DOCUMENT RESUME

ED 210 207 SO 013 660

AUTHOR Smith, Melinda R., Ed.
TITLE Teacher Resource Manual for Civics.
INSTITUTION New Mexico Law Related Education Project, Albuquerque.; New Mexico State Dept. of Education, Santa Fe.
SPONS AGENCY Department of Education, Washington, D.C.; Law Enforcement Assistance Administration (Dept. of Justice), Washington, D.C.
PUB DATE Oct 81
NOTE 191p.; For a related document, see SO 013 659.

EDRS PRICE MF01/PC08 Plus Postage.
DESCRIPTORS *Civics; Consumer Economics; *Consumer Education; Criminal Law; Grade 9; Laws; Learning Activities; *Legal Education; Money Management; Secondary Education; Student Rights; Teaching Guides; *United States Government (Course)

ABSTRACT

The learning activities in this resource manual supplement three commonly taught units in the secondary civics curriculum: law, government, and consumer economics. The activities were chosen to meet objectives of the New Mexico Basic Skills Plan. Although geared toward ninth-grade-level students, the activities can generally be adapted for students at different skill levels. The activities are organized into three major sections: 1) law including criminal law, juvenile law, individual rights law, students' rights and responsibilities, and court system; 2) government, its structure, and political process; and 3) consumer economics including consumer awareness, consumer redress, and money. Each self-contained activity has a cover page which describes the activity, suggestions for where to use it in the curriculum, and explanations of the procedures for using it. A variety of teaching strategies are utilized--brainstorming, opinion polls/surveys, role-play situations, simulations, case studies, mock trials, and field trips.
(Author/RM)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

U.S. DEPARTMENT OF EDUCATION
NATIONAL INSTITUTE OF EDUCATION
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

☐ This document has been reproduced as received from the person or organization originating it.

☒ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official NIE position or policy.

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Joseph D. Baca;
Melinda Smith

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

ED210207

TEACHER RESOURCE MANUAL FOR CIVICS

EDITOR: MELINDA R. SMITH

CONTRIBUTORS: GWEN ARGERSINGER

CYNTHIA WADDELL

SPONSOR: NEW MEXICO LAW-RELATED EDUCATION PROJECT

SP 013 660

Reproduced with Permission
by
JOSEPH D. BACA
SOCIAL STUDIES EDUCATION SPECIALIST
ELEMENTARY/SECONDARY EDUCATION
STATE DEPARTMENT OF EDUCATION

OCTOBER, 1981

Editor:

MELINDA R. SMITH has been project director of the New Mexico Law-Related Education Project for three years. In this capacity, she has conducted training workshops throughout the state in incorporating law into the social studies curriculum. She holds an M.A. in linguistics from the University of Michigan and has directed language and reading programs in the U.S and abroad.

Contributors:

GWEN ARGERSINGER holds an M.A. of Philosophy in American Studies from the University of Kansas. Before assuming her current position on the social studies staff at West Mesa High School in Albuquerque, she was assistant professor of American Studies at the University of New Mexico. She has participated and assisted in training workshops sponsored by the New Mexico Law-Related Education Project.

CYNTHIA WADDELL holds a B.A. in history from Auburn University. She is on the social studies staff at West Mesa High School in Albuquerque, where she coordinates the basic program for freshmen. She has field tested a number of activities included in this volume.

New Mexico Law-Related Education Project

The New Mexico Law-Related Education Project has been funded by grants from the Law Enforcement Assistance Administration and the U.S Department of Education and local contributors. Its major goal is to promote legal literacy in the schools in New Mexico. To become effective citizens, students must acquire legal survival skills as well as develop an appreciation for the principles and processes which underlie the legal system and their rights and responsibilities within that system.

The project sponsors workshops to train teachers in substantive law and teaching strategies. It also conducts an annual statewide mock trial competition and summer institute in law-related education.

Other project publications include:

The Don't Panic Book: What to Expect in an Encounter with the Police and the Juvenile Justice System in New Mexico

New Mexico Courts: Information and Ideas for Teaching

Practical Law in New Mexico

Teaching Law in the U.S. History Curriculum

For more information contact New Mexico Law-Related Education Project, 1117 Stanford Aveune, NE, P.O. Box 25883, Albuquerque, NM 87125. (505) 842-6136 or 800-432-6976 in State WATS

FOREWORD

This Teacher Resource Manual for Civics is a significant contribution to the education of high school students in New Mexico.

The future well-being of our state and nation depends upon the preparation that the school provides to young people to enable them to assume their leadership roles as adults. A civics education program should serve as the foundation to enable students to grow, develop and adapt successfully in a rapidly changing American society. The activities in this Resource Manual go a long way to help students to do just that. In addition, the Manual helps us achieve our overall goal of excellence in education.

The Teacher Resource Manual for Civics significantly supports the New Mexico Basic Skills Plan.

LEONARD J. DE LAYO
State Superintendent of Public Instruction

ACKNOWLEDGEMENTS

Appreciation is due to Cynthia Waddell and Gwen Argersinger for their many months of work on the project. Many thanks to Susan Albright for her care in typing the manuscript and to Nancy Appleby and Gordon Venable for legal research. Appreciation is expressed to Joseph D. Baca of the State Department of Education for making publication possible.

TABLE OF CONTENTS

INTRODUCTION vi

SECTION I: LAW

INTRODUCTORY ACTIVITY
Mindwalk 2

CRIMINAL LAW
Is it a Crime? 4
Police Opinion Poll 7
The Rights of the Accused: Miranda v. Arizona 9
The Right to Counsel: The Gideon Case. 11
Search and Seizure: The Terry Case 15
The Parole Board Game 18
Community Questionnaire: Violations of the Law 23

JUVENILE LAW
How Serious Is It? You Decide 26
Juvenile Justice Opinion Poll. 28
Juvenile Due Process: The Case of Gerald Gault 30
Due Process and Juveniles: In Re Winship 34
The Case of the Unlucky Couple 36
Who Should Go to Juvenile Hall? 39

INDIVIDUAL RIGHTS LAW
The Boundaries of Free Expression. 43
Marchers Were Warned Case 45
Freedom of Religion: Interpreting the First Amendment. . . 49
Free Press/Fair Trial: The Rideau Case 53
A Visitor From Outer Space 56
The 14th Amendment and Equal Protection. 59
Goldberg v. Kelly: Do Welfare Recipients Have Rights?. . . 64
Moore v. Gallup: A Case Study in Gun Control 67
Individual Rights: Apply Your Knowledge 69

STUDENTS' RIGHTS AND RESPONSIBILITIES
Freedom of Speech: The Tinker Case 72
Due Process in the Schools: Goss v. López 75
Search and Seizure in a School Setting:
New York v. Overton 81

COURT SYSTEM
Civil or Criminal Law? 84
Claim Your Jurisdiction 85
The Jury Selection Game 87
Mock Trial: State of New Mexico v. Randall 91

TABLE OF CONTENTS (cont'd.)

SECTION II: GOVERNMENT

INTRODUCTORY ACTIVITIES
No Vehicles in the Park 95
Starting From Scratch 97

STRUCTURE
Claim Your Powers 100
The Cabinet Game 104
How To... A Community Research Project in the Structure and Function of Government 110
What Makes a Good Member of Congress? 114

POLITICAL PROCESS
Mock Legislature 118
Lobbying Simulation 125
The Voting Game 128
The Nortburg Highway Problem 136
Writing Your Representative 141

SECTION III: CONSUMER ECONOMICS

CONSUMER AWARENESS
Goods and Services 144
Understanding Advertising Techniques 145
Comparison Shopping 148
Supermarket Tasks 151
Understanding Contracts 153
Making a Contract 155
The Case of the Used Car Purchase 159
Taxes and Services: What's Your Opinion? 162
Energy Rights 164

CONSUMER REDRESS
Deceptive Sales Practices 167
Consumer Redress: The Case of Terry Tubeman 170
Small Claims Simulation: The Case of the Auto Repair . . 174

YOU AND MONEY
Managing Your Money 176
Who Is a Good Credit Risk? 180

INTRODUCTION

Since civics became a required course in New Mexico schools in 1979, many teachers throughout the state have expressed a need for supplementary teaching materials to vitalize the standard curriculum. This volume attempts to respond to that need by providing teachers with a variety of classroom activities which contribute to an innovative approach to civic education.

The activities selected for this manual depart from the "read and recite" format of many existing civics texts. They actively involve students in the process of reasoning, problem-solving, inquiry, valuing, and critical thinking. They are designed to make the study of law, government, and consumer economics more immediate, realistic and concrete. It is hoped that at least some of the activities will also encourage students to grapple with issues that address the ambiguities, uncertainties, and complexities of our system of government.

Strategies

A variety of teaching strategies are employed in the activities to increase student involvement, motivation, and learning. Among them are the following:

brainstorming - encourages students to generate ideas or solutions to problems and increases participation and rapid flow of ideas.
continuum - allows students to focus on a wide range of responses to a particular issue and defend positions.
opinion poll/survey - can be used to clarify views and values on a particular issue, in both classroom and field activities.
ranking - requires that students look critically at issues, examine alternatives, and make choices.
role play - allows students to assume roles and appreciate other points of view while providing springboard for discussion.
simulation - involves students in realistic experiences modeled after actual or hypothetical procedures.
case study - promotes thorough examination of legal questions by asking students to examine facts, identify issues, understand arguments, and support decisions. The case study is an essential strategy in studying law and legal reasoning.
mock trial - allows first-hand experience in trial procedure and enhances communication, reasoning, and group process skills.
appellate court simulation - requires that students deliver arguments for appellant and appellee in actual Supreme Court cases. A modified version used in this book has two "attorneys" argue before only one "justice."
field experiences - bridge the gap between school and community by making learning experiences immediate and concrete.

How to Use the Resource Manual

The activities in the resource manual supplement three commonly taught units in the civics curriculum: law, government, and consumer economics. Each activity has a cover page which describes the activity, suggests where in the curriculum to use it, and explains the procedures for using it.

The activities are geared toward ninth grade level students but can generally be adapted for students at different skill levels. The terms "basic," "regular," and "advanced" are used to suggest skills levels for which the activities are appropriate.

An important feature of the manual is that activities were chosen to meet objectives of the New Mexico Basic Skills Plan (also referred to as the Adult Performance Level Goals and Objectives). Almost every activity meets at least one goal or objective of the Basic Skills Plan. If teachers do not have a copy of this plan, it can be obtained from district administators or the State Department of Education. It is hoped that teachers will use these activities as an integral part of the civics curriculum.

Evaluation

The New Mexico Law-Related Education Project would like to hear from teachers who use the resource manual in order to assess its effectiveness and revise it. Therefore, we have included an evaluation form which can be filled out and returned to the project.

EVALUATION QUESTIONNAIRE

TEACHER RESOURCE MANUAL FOR CIVICS

The New Mexico Law-Related Education Project is interested in learning about your reactions to these materials. Please complete this questionnaire and return it to the address below.

1. Which of the activities did you find most useful? Please explain.

2. Which of the activities did you find least useful? Please explain.

3. Which activities did you decide not to use? Please explain.

4. What suggestions do you have for improving this resource manual?

New Mexico Law-Related Education Project
State Bar of New Mexico
P.O. Box 25883
Albuquerque, NM 87125
(505) 842-6136

Title: MINDWALK

Unit: Law

Description:

This is an often-used introductory strategy used to demonstrate the many ways which law touches our lives. Students often conceive of law as only punitive. This mindwalk will show students the regulations that affect their lives and the importance of knowing about them.

Objectives:

1. To recognize the influence of laws on daily lives.
2. To recognize that laws are made not only to control social behavior but also to regulate and protect citizens.

New Mexico Basic Skills Objectives:

1. G/L 3 - The individual should understand the relationship between individual citizens and the legal and penal systems.
2. G/L 4 - To understand the relationship between individual citizens and government services.

Time: 20 minutes or less

Level: Basic to advanced

Materials: None

Procedure:

1. Tell students that you are going to narrate a "story" and that they should stop your narration when they think you have mentioned something that pertains to the law.
2. Begin to narrate your daily activities. For example: "This morning I woke up at 6:00am. I took a bath, got dressed, ate a breakfast of cereal and coffee, and then I got in my car and drove to school. I picked up my paycheck in the office, etc."
3. The students should have stopped you at a number of places to mention points such as the following:
   a. Your name is a legal name that cannot be changed without court approval.
   b. Time is regulated by law. The official clock in Washington, D.C. is set in accordance with Greenwich Mean Time.
   c. Water for bathing is inspected by city officials and must meet standards regulated by law.
   d. Clothing must have the contents listed on a label.
   e. Cereal boxes are required by law to list the ingredients on the box. Milk must be pasteurized and meet standards regulated by law.
   f. Drivers must obey traffic laws.
   g. Income tax and social security are withheld from paychecks by law.

4. As an extension of this exercise, you might ask students to generate a list of all the legal documents they will be required to have during their lifetimes. Among them could be included:

   a. birth certificate
   b. school registration
   c. driver's license
   d. graduation diploma
   e. marriage license
   f. social security card
   g. draft registration
   h. income tax return
   i. passport
   j. "green card" (for immigrants)
   k. rental leases
   l. mortgage papers

Title: IS IT A CRIME?

Unit: Law

Description:

As an introduction to the criminal justice system, this values activity is an excellent way to get students to examine their own opinions about what acts society should deem criminal. It provides a philosophical basis for an examination of the criminal justice system.

Objectives:

1. To examine values about what acts should be deemed criminal.
2. To develop an understanding of what acts society has determined to be criminal.

New Mexico Basic Skills Objective:

G/L 3B - To know which acts society deems criminal.

Time: One-half to one class period

Level: Basic to advanced

Materials: Attachments 1 and 2 entitled "Is It A Crime?"

Procedure:

1. Hand out Attachment 1.
2. Divide students into groups of 4-5.
3. Read through the introduction. Ask each group to evaluate each item to determine, according to their own values, if the action is criminal. Each group should place the letter of each item along the continuum according to how serious they believe the crime to be.
4. Draw the continuum on the blackboard. After groups have completed each item, ask groups to report their decisions and record results on the continuum. Ask students to explain the reasoning behind their decisions.
5. Hand out Attachment 2 to see the actual legal status of each item.

IS IT A CRIME?

A crime is something a person does or fails to do that breaks a law. A crime could also be defined as behavior for which the state has set a penalty.

Our criminal laws are designed to protect the public's safety. Our criminal laws are based on the beliefs of most of our people about what is right and necessary for the orderly conduct of our society. Certain acts are forbidden or demanded in order to protect life and property, to preserve individual freedoms, to keep our system of government, and to uphold the morality of society. Ideally, the goal of law is to regulate human conduct so that people can live together peacefully, with good feelings toward each other.

In accordance with the above, certain acts are called "criminal" and others, "non-criminal" by our society. Legislatures and courts are continually faced with the problem of deciding which is which, and putting society's beliefs into law.

Pretend you are a member of a commission established to evaluate laws. Decide whether the following acts should be treated as crimes. Place them on the scale below, ranking each act from most serious to least serious. Give reasons for your decisions.

Should be a Crime ——————————————— Should NOT be a Crime

A. Robert is a narcotics addict who pushes heroin to anyone who will buy it.

B. John and Tom are homosexuals who live together as if they were married.

C. Liz pickpockets an individual's wallet containing $50.00.

D. Mike refuses to pay his income tax because he does not support government policies.

E. Susan is caught with a pound of marijuana.

F. Ted robs a liquor store at gunpoint.

G. Ellen leaves a store with change for a $10 bill after she gave the cashier a $5 bill.

H. Lilly approaches a man for purposes of prostitution.

I. Ray refuses to wear a helmet while riding a motorcycle.

J. A company pollutes a river with wastes from its auto-making factory.

K. Marge gets drunk and hits a child while speeding through a school zone.

L. Burt observes his best friend shoplifting an item, but does not turn him in.

From the National Street Law Institute, 605 G. St.,NW, Washington, DC 20001. Adapted and used with permission.

IS IT A CRIME?

Compare your values on what is a crime with what New Mexico laws specify as a criminal act.

A. If this is a first offense, it is considered to be a second degree felony punishable by 9 years and/or $10,000.
If it is a second offense, it is a first degree felony for 18 years and/or $15,000.

B. This is not a crime.

C. First offense is a petty misdemeanor punishable by up to 6 months and/or up to $100.
Second offense is a misdemeanor, punishable by up to 1 year and/or $1,000.

D. This is considered a felony but the punishment varies widely depending upon the circumstances and whether the tax evaded was state or federal.

E. Fourth degree felony, 18 months and/or $5,000.

F. First offense is a second degree felony, 9 years plus 1 year and $10,000.
Second offense, first degree felony, 18 years plus 3 years and $15,000.

G. No crime, a "mistake."

H. First offense is a petty misdemeanor.
Second offense is a misdemeanor with less than 1 year and/or less than $1,000.

I. If Ray is under 18 years old, this is a petty misdemeanor. See C.

J. Normally this is not a crime. The act usually results in severe financial civil penalties.

K. This is a motor vehicle felony, punishable by 1-5 years and $500-$5000.

L. No crime. Burt's action does not qualify even for "accessory to a crime."

Title: POLICE OPINION POLL

Unit: Law

Description:

In examining the criminal justice system, students need to study the role of the police in enforcing the law. It is useful for students to examine their own attitudes toward police, what they think police are and what characteristics they should have. This opinion poll can be used as an introduction to law enforcement. It can be used prior to a class visit by a police officer or role play in which students play the roles of police officers.

Objective: To examine attitudes toward police.

New Mexico Basic Skills Objective:

G/L 3 - The individual should understand the relationship between individuals and the legal and penal systems.

Time: 15 - 20 minutes

Level: Basic to advanced

Materials: Attachment entitled "Police Opinion Poll"

Procedure:

1. Have students complete the opinion poll.
2. Ask students to give reasons for their responses and put the results of the poll on the board.

POLICE OPINION POLL

Instructions:

Select the response which most closely indicates the way you feel about each item.

SA = Strongly Agree
AS = Agree Somewhat
DS = Disagree Somewhat
SD = Strongly Disagree

Item:

____ 1. All police should be courageous.

____ 2. Police should be required to take courses in the law, just like lawyers.

____ 3. Police should be allowed to use any means necessary to catch criminals.

____ 4. Police should not be armed because they may be tempted to shoot when it is not necessary.

____ 5. Physical size is an important qualification for becoming a police officer.

____ 6. Being a police officer is a job full of stress and tension.

____ 7. Police pick on teenagers.

____ 8. Police officers should be members of the ethnic groups in the communities in which they serve.

____ 9. Police officers should be tough.

____ 10. Police officers should be forgiving.

____ 11. Police officers should be consistent.

____ 12. Police officers should be suspicious.

____ 13. Police officers should be young.

____ 14. Police are criticized too much.

____ 15. We would be better off without any police.

Title: RIGHTS OF THE ACCUSED: THE CASE OF MIRANDA V. ARIZONA

Unit: Law

Description:

This landmark Supreme Court case firmly established the rights of the accused to remain silent and to be represented by counsel during questioning. As a result, the so-called Miranda Warnings must be read to defendants before they are questioned by police. This case study can be used when studying criminal due process rights.

Objectives:

1. To develop understanding of rights of the accused.
2. To understand the use of the Miranda Warnings.
3. To increase understanding of the Fifth and Sixth Amendments.

New Mexico Basic Skills Objectives:

1. G/L 2B - To know the constitutional guarantees of individual rights.
2. G/L 3D - To know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One-half class period

Level: Basic to advanced

Materials: Attachment entitled "The Case of Miranda V. Arizona"

Resource Person: (Optional) Criminal lawyer or police officer

Procedure:

1. Hand out attachment and have students read the case. Discuss the questions which follow the case.
2. Read the Supreme Court decision on Miranda.
3. Have students read the Miranda Warnings. If a police officer or criminal lawyer is present have him/her explain the use of the Miranda Warnings. It is important to inform students that these warnings do not have to be read to an accused person taken into custody if he/she is not questioned about the alleged crime. Any information the accused gives voluntarily may be used against him/her.

Supreme Court Decision: The Supreme Court ruled in favor of Miranda. It said that when questioning was initiated by a law enforcement officer after a person was taken into custody, any statements made by the accused cannot be used against him/her in court unless the accused is given notice of:
(1) the right to remain silent; (2) the right to be represented by counsel

THE CASE OF MIRANDA V. ARIZONA

Ernesto Miranda was accused of kidnapping and raping an eighteen-year-old girl near Phoenix, Arizona. The girl claimed she was on her way home from work when a man grabbed her, threw her into the back seat of a car, and raped her. Ten days later Miranda was arrested, placed in a lineup, and identified by the girl as her attacker. The police then took Miranda into an interrogation room and questioned him for two hours. At the end of the two hours, the officers emerged with a written and signed confession. This confession was used as evidence at trial, and Miranda was found guilty.

Miranda later appealed his case to the U.S. Supreme Court, arguing that he had not been warned of his right to remain silent and that he had been deprived of his right to counsel. Miranda did not suggest that his confession was false or brought about by coercion, but rather that he would not have confessed if he had been advised of his right to remain silent or of his right to an attorney.

Questions:

1. Do you think Miranda's confession should have been used as evidence against him at trial? Why or why not?
2. Do you think police should be required to tell suspects their rights before questioning them?
3. Do you think anyone would confess after being warned of their rights?

MIRANDA WARNING

(1) You have the right to remain silent.
(2) Anything you say can and will be used against you in a Court of law.
(3) You have the right to talk to a lawyer and have him present with you while you are being questioned.
(4) If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish one.

WAIVER

After the warning and in order to secure a waiver, the following questions should be asked and an affirmative reply secured to each question:

(1) Do you understand each of these rights I have explained to you?
(2) Having these rights in mind, do you wish to talk to us now?

From Street Law: A Course in Practical Law (1980), West Publishing Company, Box A, 1970 Old Country Rd., Mineola, NY 11501. Reprinted with permission.

Title: THE RIGHT TO COUNSEL: THE GIDEON CASE (1963)

Unit: Law

Description:

Prior to this landmark Supreme Court due process case, criminal defendants in many states were not guaranteed the right to court-appointed counsel in felony cases if defendants were indigent. This case study shows students how the 6th and 14th Amendments have been interpreted by the Supreme Court. It should be used during a study of criminal due process and after students are familiar with the 14th Amendment.

Objectives:

1. To develop understanding of the due process guarantee of right to counsel.
2. To increase knowledge of the interpretations of the 6th and 14th Amendments.
3. To enhance reasoning skills.

New Mexico Basic Skills Objectives:

1. G/L 2B - Know about the constitutional guarantees of individual rights.
2. G/L 3C - Know when and how to hire a lawyer or gain access to other forms of legal aid.
3. C/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "The Right to Counsel:The Gideon Case (1963)"

Procedure:

1. Hand out the case and have students read it.
2. In small groups or as a class, go through the discussion questions.
3. When the students are listing the rights guaranteed or denied Gideon (questions 3 and 5), have students look at the 5th, 6th, 8th and 14th Amendments.
4. Ask students to make their own decisions about the case and give their reasoning.
5. Read the court decision to the students. Ask students what they think happened as a result of this decision in states that did not provide court-appointed attorneys for poor people in felony cases.
6. As a follow-up, have an attorney from the Public Defender's Office discuss how cases are handled or assign this as a research project for students.

Decision:

The Supreme Court granted Gideon's appeal. The Court decided that the "due process clause" of the 14th Amendment guaranteed persons in the United States full protection of due process. One element of due process is the right of the accused to have the assistance of counsel as guaranteed in the 6th Amendment. Thus, Gideon should have had the benefit of a lawyer.

The Court also ruled that if the accused could not afford to hire a lawyer, the trial court must appoint a lawyer for the accused at no cost. This rule applies only for felony cases.

NOTE: Gideon was found not guilty at his second trial. The prosecution's witnesses from the first trial could not be located due to the passage of time. Gideon asked for and was provided with a lawyer to represent him in the second trial.

THE RIGHT TO COUNSEL: THE GIDEON CASE (1963)

Making his rounds one night, a police officer discovered that the Bay Harbor Poolroom in Panama City, Florida had been broken into. When the owner closed the poolroom at midnight, he had been extremely careful in locking up, since many thieves and drunks hung out in the neighborhood. But someone had been able to break in anyway. The officer found that money had been taken from the juke box and cigarette machine, as well as some beer and wine.

The next morning a "bystander" told the police that an elderly, poor man, named Earl Gideon, had broken into the poolroom. The police arrested Gideon and accused him of breaking and entering into the poolroom. Gideon claimed, from the time of his arrest on, that he was innocent.

At his trial, Gideon asked the judge to appoint a lawyer to help him because he had no money to hire one. The judge answered that Florida laws allowed judges to appoint lawyers only when a person is charged with a capital offense. Since Gideon was charged with a felony (breaking and entering) and not a capital offense, the judge could not appoint a lawyer.

Gideon stood trial alone, acting as his own lawyer. He did the best he could, but he was unable to do a very thorough job. He did not know what questions to ask or that he could call witnesses on his own behalf. In his closing statement to the jury, Gideon merely repeated that he had not committed the crime.

The jury found Gideon guilty of breaking and entering and the judge sentenced him to five years in the state prison.

Gideon did not give up. While in prison, he studied all he could about the law. He finally hand wrote a five-page letter to the Supreme Court of the United States and asked them to review his case. Gideon said that there was an error in his trial and that he should not have been convicted. He stated that his Constitutional rights had been violated by not having a lawyer to represent him during his trial. Gideon asked the Court to grant him an appeal.

Vocabulary

Students should be able to define and correctly use the following terms in order to understand this case:

1. Accused
2. Appeal
3. Arrest
4. Capital Offense
5. Counsel (Lawyer)
6. Error
7. Felony
8. Guilty
9. Innocent
10. Sentence
11. Testify
12. Trial

Questions:

1. What was the crime Gideon was accused of having committed?

2. Do you believe Gideon committed this crime? Explain your answer.

3. What constitutional rights might have been violated in this case?

4. Was the judge proper in not appointing a free lawyer for Gideon? Explain your answer.

5. Make a list of some of the rights Gideon was guaranteed during his trial.

6. At the time of Gideon's trial, some states had laws that allowed the court to appoint lawyers to defend poor people charged with felonies while others did not. Do you think this was fair?

7. If Gideon did commit this crime, would it make any difference whether or not he had had a lawyer to help him in his trial? Explain your answer.

8. The Supreme Court agreed to hear this case. What do you think their decision should have been?

   a. to deny Gideon's appeal, in which case Gideon would remain in prison for the rest of his sentence;

   OR

   b. to grant Gideon's appeal, so that he could have another trial with a court-appointed lawyer.

Title: SEARCH AND SEIZURE: THE TERRY CASE (1968)

Unit: Law

Description:

Students are always curious about correct police procedures in arrest and search situations. This important Supreme Court decision established that searches without a warrant could take place if the suspect's behavior creates an "articulable" suspicion that a crime has taken place or is taking place. This activity can be used as a role play or case study in a study of the rights of the accused.

Objective:

1. To increase understanding of reasonable search and seizure.
2. To develop knowledge of interpretation of the Fourth Amendment.

New Mexico Basic Skills Objectives:

1. G/L 2B - To know about the constitutional guarantees of individual rights.
2. G/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "Rights of Persons Accused or Suspected of Crimes"

Resource Person: (optional) Police officer or criminal lawyer

Procedure:

1. Hand out attachment and read through the first six paragraphs.
2. If a role play is to be used, select students to play the roles of Officer McFadden, Terry, Chilton, and the Third Man. Give them several minutes to prepare their roles and have them reenact the scene in front of the class.
3. Have the rest of the class decide whether the "stop and frisk" was reasonable or unreasonable. Have students support their reasoning.
4. Discuss questions on the attachment. Have resource person (if present) participate in discussion.
5. Read the Supreme Court decision. Allow time for further discussion and questioning of resource person.

Supreme Court Decision: Terry and Chilton's appeal was denied. The Supreme Court further said that Detective McFadden had acted in a reasonable manner. Training and experience provide police officers with knowledge needed to sense the possible commission of a crime and they are duty bound to prevent the commission of crimes and to protect the life and property of all persons. However, the police may act only when they have reasonable suspicion.

RIGHTS OF PERSONS ACCUSED OR SUSPECTED OF CRIMES

Terry Case (1968)

For thirty years police detective McFadden had carried out his duties in downtown Cleveland, Ohio, preventing shoplifters and pickpockets from operating.

While on duty this day, he noticed two suspicious-acting men. They kept walking by a jewelry store and stopping to look in it. Then they would walk on down the street and stop to talk.

Soon a third man joined them. Again, the two men walked to the jewelry store, looked in, and waited until the third man joined them.

To McFadden, the three men looked as though they were "casing the joint" before robbing the jewelry store. McFadden went to the three men, identified himself as a police detective, and asked for their names.

The three men only mumbled and then started to move on. McFadden stopped one man, Terry, and used him as a shield while he ordered all three men to go into the jewelry store.

There McFadden "frisked" the men. He found a pistol in the pockets of Terry and of another man, Chilton. The third man was unarmed.

Terry and Chilton were later tried and convicted of possession and carrying of concealed weapons. The third man was not charged.

Terry and Chilton took their case to the U.S. Supreme Court. They wanted to appeal their case because they believed that McFadden had conducted an unreasonable search on them. They argued that the pistols were taken without a warrant, and when the men were not under arrest. Therefore, they believed, the pistols could not be used as evidence against them.

The State of Ohio argued that McFadden's duty included investigating all suspicious actions in order to prevent crimes from happening. The State argued that McFadden had acted completely properly in order to protect himself and other citizens.

Vocabulary:

Students should be able to define and use correctly the following terms in order to understand this case.

1. concealed 2. frisk 3. guaranteed

From Middle School Law-Related Program, Atlanta Public Schools, 1980. John Evans, Chairman of Law Education, Division of Instructional Planning and Development. Used with permission.

Discussion Questions:

1. From the case, which of Terry's Constitutional rights do you think were violated?

2. Do you believe that Detective McFadden had sufficient cause to investigate the actions of the three men? Why or why not?

3. Why would McFadden believe it necessary to "frisk" the three men?

4. Do you believe the "frisk" of the three men was justified? Why or why not?

5. Why do you think McFadden did not take the third man to jail?

6. Do you believe that any rights of Terry or Chilton were violated? Explain your answer.

7. When is a person under arrest?

Title: THE PAROLE BOARD GAME

Unit: Law

Description:

This parole board simulation will give students an opportunity to examine the kinds of crimes for which people are incarcerated. It will allow them to reflect on the purposes and problems of penal institutions, and the needs of offenders, during and after incarceration. This activity can be used when studying the criminal justice system or the corrections system.

Objectives:

1. To increase understanding of crimes, incarceration and parole.
2. To inquire into the rationale and efficacy of penal institutions.
3. To consider factors which contribute to rehabilitation of offenders.
4. To enhance decision-making skills.

New Mexico Basic Skills Objective:

G/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Regular to advanced

Materials: Attachments 1 and 2 entitled "The Parole Board Game"

Procedure:

1. Select 5 students to play the roles of the inmates described on Attachment 2.
2. Select 5-10 students to play the parol board. The rest of the class will be observers. If facilities are large enough, several hearings could be conducted simultaneously so that more students could be involved.
3. Hand out Attachments 1 and 2 to all students. Explain that inmates will be called in turn before the parole board to be interviewed. Have the inmates prepare their roles from Attachment 2. Have the parole board prepare questions to ask each inmate. Observers can read over attachments during this time. Instruct observers to take notes during the hearing and come to their own decision about who should be paroled.
4. Conduct the hearing for each inmate. Then have the parole board discuss the cases and come to a decision.
5. Ask observers to give their decisions and comment on the proceedings.

6. Ask class questions such as:

   a. What factors most influenced the choices students made?
   b. How much did the original crime affect the board's choice?
   c. Did incarceration rehabilitate any of the inmates?
   d. What are the chances that the inmates will continue to commit crimes after release?
   e. What might be conditions of life which would help ex-offenders to "go straight?"
   f. What do you think of the claim that prisons make criminals, they don't rehabilitate them?

THE PAROLE BOARD GAME

Instructions:
You are on the parole board in your state where the crime rate has been rising greatly. More criminals have been convicted and sentenced to long terms. Your state prison is already overcrowded. You must decide who should be paroled now so that the prison will have enough room for the new groups of criminals.

You are to pick three inmates from the five who will appear before you today. You should note important information about each inmate concerning behavior in prison and plans for the future outside of prison. Prepare questions to ask each inmate to bring out this information.

After you have heard from and questioned all the inmates, your board will vote to decide who will be paroled. Before the vote, discuss with each other the reasons why you believe the three inmates you selected should be paroled.

Sample Questions:

1. Why do you feel you are ready to go back into society? What contributions will you make there?
2. What have you learned in prison that has prepared you for life in society again?
3. If you feel you were unfairly convicted, can you leave those thoughts behind and go ahead with a peaceful and law-abiding life?
4. What kind of a job do you expect to have? How will you support yourself?
5. What do you plan to do in your spare time?
6. Do you believe you have really paid your debt to society?
7. Do you believe you are capable of solving your problems now in a rational, peaceful way?

ATTACHMENT 2

THE PAROLE BOARD GAME

Instructions:

You are an inmate in your state prison. You are one of five inmates being considered for parole, but only three of you can be paroled right now. Role play your assigned part, being sure to emphasize the points you believe will help your position. Be prepared to answer questions the board will ask you about your past behavior and future plans. You may improvise when necessary.

1. John Brown - militant civil rights activist who crippled a police officer in a ghetto riot. He claimed self-defense but was convicted anyway. Brown has served two years of his 2-5 year sentence for assault and battery. He hopes to get out soon to see his two children, one of whom was born just after he started serving his sentence. His wife is having a hard time making ends meet and caring for the children on welfare. Brown has been active in forming a prisoners' rights group in prison and always complains when he believes prisoners are treated unfairly because of their race. His work record in prison has been good, although the staff feels he is rude at times. He has worked very hard in school, completing courses and passing the GED. He would like to get a job and eventually go on to law school. The prison psychologist reports that Brown still resents his conviction and believes blacks are often treated unfairly. His aggressive behavior seems to stem from this primary cause. He has shown assertive behavior in counseling sessions where he often makes speeches and asks the counselors difficult questions.

2. Harry Chávez - Vietnam veteran who is serving a sentence of 5-25 years for armed robbery, which he committed to support his heroin habit. Harry's service record was good, but Harry claims the only way he could commit all his acts of bravery on duty was because of the heroin. He saved several other soldiers from death in combat. Harry's girlfriend has a very high-paying executive position which she has held for several years. She wants to marry Harry as soon as he is released. He has served three years of his sentence. Harry's work record in prison has been erratic--sometimes excellent but sometimes poor. He enrolled in several graduate classes in prison where he showed the same uneven performance as in his work in prison. The psychologist's report shows that Harry completed the withdrawal program for addicts but has not shown the same progress in the drug rehabilitation program. Harry has awakened several nights a week with nightmares and has disturbed the sleep of others near his cell. In counseling sessions he is usually very cooperative, but occasionally has to be removed from the group while telling stories of Vietnam which make him become violent. He has received sedatives when he has nightmares and when he becomes violent at the counseling sessions.

3. Robert Johnson - convicted murderer who pleaded guilty to the shotgun slaying of a young woman. He has served 15 years in prison. Johnson's wife divorced him 12 years ago but he still maintains some contact with his ex-wife and three children. Johnson was working at a garage when he was convicted but he's not sure what kind of a job he could get now. His work record in prison has been good; he has always been cooperative. He tried studying auto mechanics and math, but was not able to complete all the requirements and so did not receive credit for either course. In counseling sessions Johnson did not have much to say but would willingly answer direct questions and listened with apparent interest when others spoke. The murder he committed seems to have been one of passion and not an indication of his overall personality drives. He admitted remorse for the act in his trial but does not show much emotion if spoken to about it now.

4. Jane Riley - computer programmer who embezzled $83,000 from her company. She claimed that many people in her company cheat, and so she felt no remorse at having done the same. Jane is angry that no investigation was made into the activities of other employees. Her husband was very upset at her conviction and very angry at Jane. He decided not to divorce Jane because of their three year old daughter. Jane was an excellent programmer but it is not clear if other companies would be willing to hire her because of her conviction. Jane's work record in the prison laundry has not been good. She acted sullen and resentful to the staff and other workers and complained that she should get to work in the prison office. Throughout her two years in prison she has refused to cooperate with the psychologist in counseling sessions, claiming that she did not have any psychological problems and that she did not belong in jail in the first place.

5. David Black - 48 years old and has been in and out of prison for the last 30 years on convictions of unarmed robbery. He has never hurt anyone and has always taken less than $1,000 in each case. Because of his good behavior in prison he has usually been assigned to minimum security places until four years ago when he walked off his assigned prison job. Prison authorities like Black very much because he gets along so well with them and is often a peace maker among the prisoners. Except for the time he left his job, he has been a model prisoner with regard to work assignments, doing whatever he was told to do and doing a good job. In counseling sessions he encourages the group members to talk and is respectful of their comments. (He has never resisted arrest and in fact seems to enjoy the whole business and operation of prison systems.) Prison authorities agree they have rarely known anyone so cooperative. They believe he could do many jobs outside, but he keeps coming back.

Title: COMMUNITY QUESTIONNAIRE: VIOLATIONS OF THE LAW

Unit: Law

Description:

This community research project gives students an opportunity to survey members of the community about crimes and who commits them. It also gives students an opportunity to gather information from law enforcement agencies to compare with community attitudes.

Objectives:

1. To incourage understanding of community attitudes toward crime.
2. To compare attitudes about crime and offenders with actual statistics on the frequency of crimes committed and the types of offenders who commit them.
3. To examine values on criminal activity.
4. To gain experience in contacting community agencies.
5. To enhance communication skills in contact with the public.

New Mexico Basic Skills Objectives:

G/L 3B - To understand which acts society deems criminal.

Time: One and one-half class periods and out-of-class time

Level: Regular to advanced

Materials: Attachments 1 and 2 entitled "Community Questionnaire: Violations of the Law"

Procedures:

1. Have students complete the questionnaire.
2. Tabulate results on the black board and have one student record them for later use.
3. Select pairs of students to conduct research at law enforcement agencies. The purpose of this part is to collect data that students can compare to the results of the community survey they will be conducting. (1) Group 1 will contact the Police Department to gather data about crimes, using attachment 2. Students should phone the department, explain what they are doing, and make an appointment with the appropriate personnel; (2) Group 2 will contact the FBI to gather data using attachment 2; (3) Group 3 will contact a local probation officer and ask him/her to fill out the questionnaire (attachment 1); and (4) Group 4 will contact a local judge and ask him/her to fill out the questionnaire (attachment 1).
4. The rest of the class will conduct a community survey using the questionnaire (attachment 1). Ask each student to have 3 people fill out the questionnaire.
5. Results from the community survey should be compared to the actual data collected from the Police Department and the FBI.

COMMUNITY QUESTIONNAIRE
VIOLATIONS OF THE LAW

STUDENT DIRECTIONS:

List five violations of the law that you think are committed most often.

Violation:

1. _____

2. _____

3. _____

4. _____

5. _____

% of People: What percent of the population do you think violates each law?

1. _____ 4. _____

2. _____ 5. _____

3. _____

Rank Order: Rank order these violations from most serious, according to your own opinion. #1 will be the violation you consider to be most serious. #5 will be the violation you consider to be least serious.

1. _____

2. _____

3. _____

4. _____

5. _____

Reprinted from Lincoln-Filene Center materials.

ATTACHMENT 2

DATA COLLECTION
VIOLATIONS OF THE LAW

What five violations of the law are most frequently committed?

1. _____

2. _____

3. _____

4. _____

5. _____

% of People: What percent of the population commits these five violations of the law?

1. _____

2. _____

3. _____

4. _____

5. _____

Title: HOW SERIOUS IS IT? YOU DECIDE

Unit: Law

Description:

This values continuum serves as a good introduction to the juvenile justice system. It asks students to assign values to different types of juvenile behavior.

Objectives:

1. To examine values regarding different types of juvenile behavior.
2. To understand what the law specifies as a delinquent act.

New Mexico Basic Skills Objective:

G/L 3B - Know which acts society deems criminal.

Time: One-half class period

Level: Basic to advanced

Materials: Attachment entitled "How Serious Is It? You Decide"
The Don't Panic Book, New Mexico Law Related Education Project (optional)

Procedure:

This activity can be done in several ways.

A. Values Line

1. Put a sign saying "Should Be a Delinquent Act" on one end of the room and another saying "Should NOT Be a Delinquent Act" at the other end of the room.
2. Read each item and have students physically take a stand along the continuum between the two signs. This serves as a very graphic way of assessing students values.
3. Ask students to give the reasoning for their choices.
4. Use the Don't Panic Book to see which of these juvenile behaviors constitute delinquent acts.

B. Students can also work in groups of three or individually

1. Draw a line on the black board.
2. Record responses of individuals or groups by putting the letters of the items on appropriate points on the continuum.
3. Ask students to give their reasoning.
4. Use the Don't Panic Book as suggested above.

HOW SERIOUS IS IT?
YOU DECIDE

Introduction

Our law-makers have decided that some kind of juvenile acts should not be allowed. These are called delinquent acts. These can include something that a person does as well as something a person does NOT do, such as not going to school. There is a penalty for such illegal behavior. The purpose of defining what behavior is illegal is to make rules so that people can live together peacefully. Most people agree on the need to protect property, safety of individuals, and freedom. There is a lot of disagreement, though, in the area of juvenile law. What acts by teenagers should be considered delinquent acts? Decide which of these acts should or should not be labeled as delinquent acts. If you think the behavior should be considered delinquent, put the letter of the example near the end of the line labeled "Should be a Delinquent Act". The more serious you think it is, the nearer the end you will put the letter. If you do not think the behavior is delinquent, put the letter of the example near the end of the line labeled "Should NOT be a Delinquent Act."

Should be a Delinquent Act _____ Should NOT be a Delinquent Act

Examples:

A. Running away from home
B. Hitting oen of your parents
C. Ditching school
D. Damaging public or private property
E. Shoplifting an article of clothing
F. Breaking into a school building and taking something
G. Beating up another student on school grounds
H. Beating up someone off of school grounds
I. Trespassing on someone's property
J. Getting drunk or stoned
K. Wandering around the streets at night
L. Using someone's car without their permission, intending to return it
M. Disrupting class at school
N. Refusing to obey your parents, not matter what they do
O. Attempting to get married without your parents' consent

Title: JUVENILE JUSTICE OPINION POLL

Unit: Law

Description:

This quick survey of attitudes is a good introductory activity to the juvenile justice system.

Objectives:

1. To become familiar with important issues and controversies in the juvenile justice system.
2. To examine attitudes about the juvenile justice system.

New Mexico Basic Skills Objective:

G/L 3 - The individual should understand the relationship between individual citizens and the legal and penal systems.

Time: 15 minutes

Level: Basic to advanced

Materials: Attachment entitled "Juvenile Justice Opinion Poll"

Procedure:

1. Hand out attachment and have students complete the poll.
2. Discuss each item and tally results on the board.
3. As a follow-up to this activity have students ask their parents to complete the poll. Students can compare the parent survey with their own.

JUVENILE JUSTICE OPINION POLL

Instructions:

Select the response which most closely indicates the way you feel about each item.

SA = Strongly Agree
AS = Agree Somewhat
DS = Disagree Somewhat
SD = Strongly Disagree

Item:

____ 1. Juveniles deserve the same rights and legal protections as adults.

____ 2. Under our present system, juveniles get away with too much.

____ 3. Kids today get into more trouble because families don't do things with their kids or show concern for their problems.

____ 4. Police pick on kids.

____ 5. Parents should have to pay for any damages caused by their kids.

____ 6. Kids should be required to pay for any damages they do.

____ 7. The best way to discourage kids from committing crimes is to make detention homes, reform schools, and prisons as unpleasant as possible.

____ 8. All juveniles who commit delinquent acts should be sent to detention centers for a required period of time.

____ 9. The major cause of juvenile crime is poverty.

____ 10. Kids are more violent today because of the influence of violence on TV and in movies.

Title: JUVENILE DUE PROCESS: THE CASE OF GERALD GAULT

Unit: Law

Description:

This landmark Supreme Court case established due process rights for juveniles. The case study is presented in cartoon form for variety, although teachers can modify the activity to suit the needs of the students.

Objectives:

1. To increase understanding of due process guarantees for juveniles.
2. To reinforce understanding of interpretations of the Fourteenth Amendment.

New Mexico Basic Skills Objectives:

1. G/L 2B - Know about the constitutional guarantees of individual rights.
2. G/L 3D - Know an individual's rights when arrested, held, tried, paroled or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachments 1 and 2 entitled "The Case of Gerald Gault"

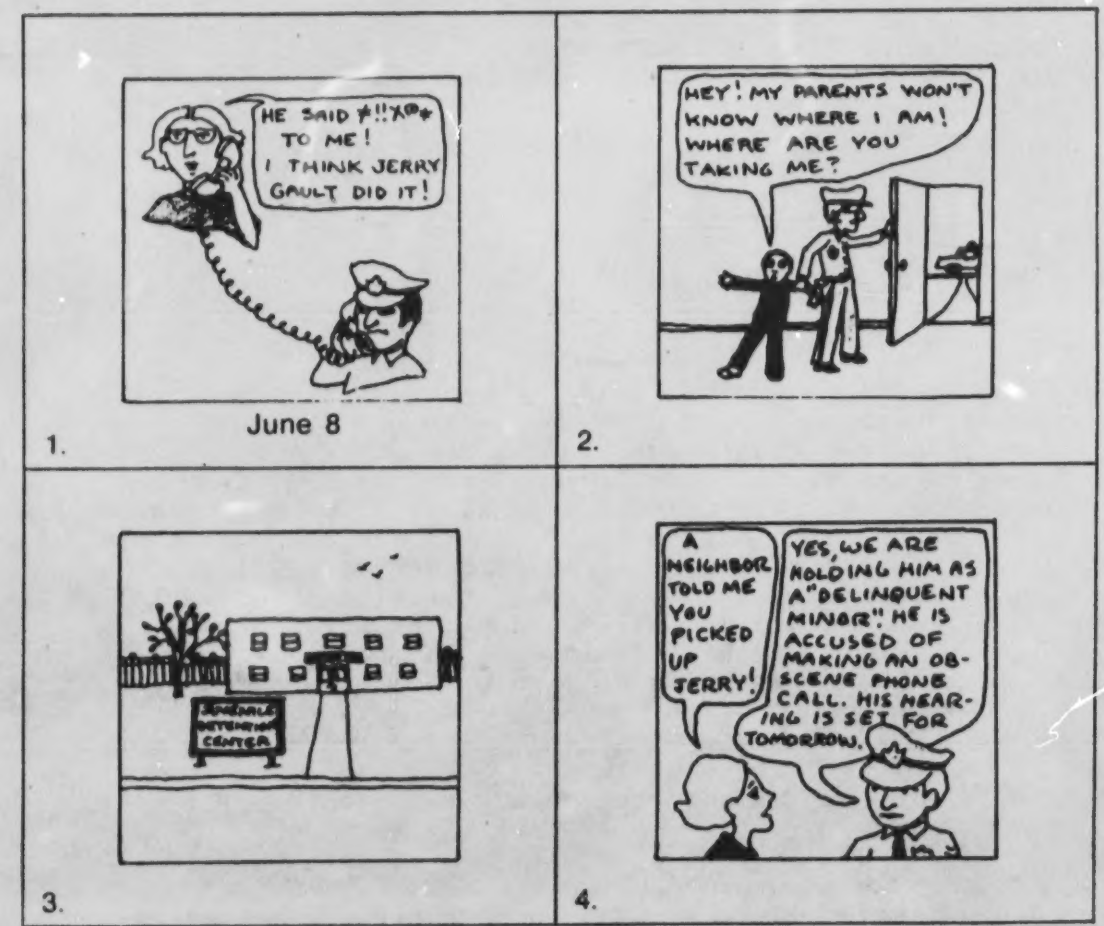
Procedure:

1. Hand out Attachment 1. Read through the first paragraph with the students.
2. Have students read the cartoon of the case.
3. Ask students to give the facts of the case.
4. Then have them list what they consider to be unfair about the legal process in Gault's case. (This can be done in groups or individually) Students should include the following:
    a. Gerald's parents were not notified immediately.
    b. Gerald did not have a lawyer at his hearing.
    c. Gerald and his mother were not formally told what Gerald was being charged with.
    d. No record of the hearing was kept.
    e. Mrs. Cook was not brought in so that Gerald could see who was accusing him.
    f. The punishment was too severe, it did not fit the crime.
    g. If Gerald were an adult, he wouldn't have received such a severe punishment.
5. Hand out Attachment 2. Read through first paragraph.
6. Then have students read through and discuss the provisions of the Supreme Court decision.

ATTACHMENT 1

THE CASE OF GERALD GAULT

Today, young people under a certain age (it varies from state to state) are by law considered juveniles. There are juvenile courts set up to handle their cases. There are laws that state what due process rights young people have when they come before the juvenile court. Juveniles did not always have these due process rights. For a long time these safeguards applied only to adult criminal trials. The juvenile court started with the idea that young people did not need the same safeguards that an adult in a criminal case would need. Juvenile court had very informal hearings. It was thought that juveniles would be better off to have an informal hearing rather than a formal legal procedure. Then in 1967 the United States Supreme Court, the highest court in the country, was asked to make a decision regarding the rights of juveniles in the case of a fifteen-year-old boy named Gerald Gault. Here is the story.


HE SAID *!!X@* TO ME! I THINK JERRY GAULT DID IT!
June 8
1.
HEY! MY PARENTS WON'T KNOW WHERE I AM! WHERE ARE YOU TAKING ME?
2.
3.
A NEIGHBOR TOLD ME YOU PICKED UP JERRY!
YES, WE ARE HOLDING HIM AS A "DELINQUENT MINOR". HE IS ACCUSED OF MAKING AN OBSCENE PHONE CALL. HIS HEARING IS SET FOR TOMORROW.
4.

From Juvenile Problems and Law in Action Series, West Publishing Company, Box A, 170 Old Country Road, Mineola, NY 11501. Reprinted with permission.

JUDGE, SHOULDN'T SOMEONE BE KEEPING A RECORD OF THIS TRIAL?
I DIDN'T DO THE DIRTY TALK-ING!
NO NEED, MRS. GAULT. I'M GOING TO THINK ABOUT THIS CASE.

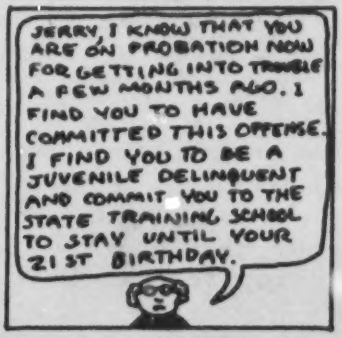
5. June 9

6. June 11 or 12

7. June 15th Hearing

JUDGE, WHY NOT BRING MRS. COOK HERE SO SHE CAN TELL IF IT WAS JERRY.
MRS. COOK DOESN'T HAVE TO COME IF SHE DOESN'T WANT TO. I'LL DECIDE WHAT'S TO BE DONE.

8. June 15th Hearing


JERRY, I KNOW THAT YOU ARE ON PROBATION NOW FOR GETTING INTO TROUBLE A FEW MONTHS AGO. I FIND YOU TO HAVE COMMITTED THIS OFFENSE. I FIND YOU TO BE A JUVENILE DELINQUENT AND COMMIT YOU TO THE STATE TRAINING SCHOOL TO STAY UNTIL YOUR 21ST BIRTHDAY.

9.

10.

List the things that happened during this legal process that you think are unfair.

DECISION: THE CASE OF GERALD GAULT

In the Gault case the Supreme Court ruled that juveniles who are accused of offenses for which they could be sent to an institution must have the following rights:

1. Right to notice of charges

   Being told exactly what you are accused of long enough in advance of your hearing to be able to prepare your case.

2. Right to counsel

   Being told you have a right to a lawyer, that if you don't have enough money to pay, the court must appoint a lawyer for you.

3. Right to confrontation and cross-examination

   Being able to hear the testimony of the witnesses and of your accusers. Testimony is the information a witness gives under oath. Cross-examination means that the accused or the lawyer for the accused has the chance to ask the witness questions.

4. Privilege against self-incrimination

   Being told you have a right to remain silent because anything you say might be used against you.

In later cases the courts have since ruled that an accused juvenile must have the right to:

A transcript of the proceedings

Having every word said at your hearing written down.

An appellate review

Having the right to ask to have your case heard by a higher court if you wish to have the decision reached in the first hearing reversed.

Title: DUE PROCESS AND JUVENILES: IN RE WINSHIP (1970)

Unit: Law

Description:

This landmark case in juvenile justice guarantees juveniles the right to the same standard of proof as adults in order to convict a juvenile of a delinquent act. This case study can be used in an examination of the due process rights of juveniles and should come after the In Re Gault case.

Objectives:

1. To enable students to understand the due process rights of juveniles when charged with a delinquent act.
2. To reinforce understanding of the due process clause of the Fourteenth Amendment.
3. To enhance reasoning skills.

New Mexico Basic Skills Objective:

GL2B - Know about the Constitutional guarantees of individual rights, such as due process.

Time: One-half to one class period

Level: Regular to advanced

Materials: Attachment entitled "Due Process and Juveniles: IN RE WINSHIP (1970)

Procedure:

1. Ask students to read the case either as homework or in class.*
2. Divide the class into groups of 3-4.
3. Using the case study method, ask each group to:
   a. list the important facts of the case
   b. explain the issue(s) involved
   c. come to their own decisions on the case
   d. explain their reasoning
4. With the entire class, put the important facts and issues on the board.
5. Ask each group to report their decisions and explain their reasoning.
6. Give the students the Supreme Court decision below.

Supreme Court Decision: The Supreme Court ruled that the same protection given by the Due Process Clause of the Fourteenth Amendment, which does require proof "beyond a reasonable doubt" in adult criminal trials, must be given to young people in juvenile court hearings. This heavy burden of proof, the Court said, would not jeopardize any of the other special benefits accorded in juvenile proceedings.

*Make sure students understand the following terms: "beyond a reasonable doubt," "burden of proof," "greater weight of evidence."

DUE PROCESS AND JUVENILES: IN RE WINSHIP (1970)

Twelve-year-old Samuel Winship was charged with the theft of $112 from a woman's purse left in a locker in a New York City store.

Because Sam was between seven and sixteen years of age, his case went to the Family Court of Bronx County. The youth court judge heard evidence accusing Samuel of the crime, he also heard members of Samuel's family testify that Sam was at home when the locker theft supposedly took place.

The youth court judge said the evidence against Samuel did not necessarily amount to proof "beyond a reasonable doubt." Under New York law, however, this did not matter because only the greater weight of evidence was needed to declare a juvenile a delinquent. This would amount to the same "burden of proof" needed to win in adult civil trials. This is different from an adult criminal case where the defendant's liberty is at stake. Then the state must prove its case "beyond a reasonable doubt."

Basing its decision only on the greater weight of the evidence, the Family Court judge found Samuel Winship to be a delinquent. Samuel was sent to reformatory for 18 months.

The case was finally taken to the U.S. Supreme Court, where Samuel's lawyer argued that he had been deprived of his liberty without the proper due process of law. The attorney argued that because Samuel was charged with committing an act that would be a crime if an adult had done it, the same test, that is, "proof beyond a reasonable doubt," must be used against the youth. The issue, then, before the Supreme Court was this: according to the Constitution must a juvenile charged with a criminal act be found "delinquent" only when there is proof "beyond a reasonable doubt" against the youth?

Title: THE CASE OF THE UNLUCKY COUPLE

Unit: Law

Description:

Students are always interested in learning about police procedure and rights of juveniles during an arrest and search and seizure situation. This role play provides an excellent way of reinforcing understanding of juvenile rights and police procedures and an effective way of using resource people in the classroom. It can be used when teaching about juvenile law, the 4th Amendment, or the police.

Objectives:

1. To develop understanding of the 4th Amendment as applied to juveniles.
2. To increase awareness of arrest procedures.
3. To understand what to do in an arrest situation.
4. To develop awareness of the point of view of police officers.

New Mexico Basic Skills Objectives:

1. G/L 2B - Know about the constitutional guarantees of individual rights.
2. G/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "The Case of the Unlucky Couple"

Resource People: Attorney, Police Officer

Procedures:

1. This activity works best if a police officer and attorney are invited to the class to observe the role play and discuss on it afterwards. Contact resource people to inform them of the objectives of the activity and their part in the discussion.
2. Hand out Attachment and read the situation together.
3. Discuss questions (a)-(c).
4. Assign students to play the roles of Officer Ramos, Lonnie, and Susan. Tell players to enact the situation from the time Lonnie and Susan are in the car. Warn students not to narrate their roles, since this sometimes happens.
5. Set up 2 chairs in the front of the room to represent the car.
6. Allow 10 minutes for the role play. Cut it off after Officer Ramos has completed his investigation (and presumably arrested Lonnie and Susan).

7. After the role play, have the police officer comment on the following points:

    a. Were the procedures Officer Ramos took appropriate for the situation?
    b. As a police officer what would you have done differently?
    c. Did the juveniles act appropriately.

8. Then ask the attorney to comment.

    a. What are the rights of the juveniles in this situation?
    b. Did they act appropriately?
    c. If they were mistakenly arrested for burglary, what could they do?
    d. What would be the possible outcome of this arrest?

9. Students will probably have many questions about arrest and search and seizure to pose to the resource people. Allow the remainder of the period for questions.

THE CASE OF THE UNLUCKY COUPLE

After an evening at the movies, Lonnie Howard, 16, and his girl friend Susan, 15, decide to park in the empty lot behind Briarwood Elementary School. Several beers and two marijuana cigarettes later, they are startled by the sound of breaking glass from the rear of the school.

Unnoticed in their darkened car, Lonnie and Susan observe two men loading office equipment from the school into the back of a van. Quickly concluding that the men must be burglars, Lonnie revs up his engine and roars out of the parking lot onto Main Street.

Meanwhile, unknown to Lonnie and Susan, a silent alarm has also alerted the police to the break-in at the school. Responding to the alarm, Officer Ramos heads for the school and turns onto Main Street just in time to see Lonnie's car speeding away.

Problems:

(a) If you were Officer Ramos, what would you do in this situation? If you were Lonnie, what would you do?

(b) If Officer Ramos chases after Lonnie, would he have probable cause to stop and arrest him?

(c) How do you think Officer Ramos would act once he stopped Lonnie? How do you think Lonnie and Susan would act?

(d) Role play this situation. As Officer Ramos, decide what you would say and how you would act toward the occupants of the car. As Lonnie and Susan, decide what you would say and how you would act toward the police.

(e) What could Lonnie and Susan do if they were mistakenly arrested for the burglary? What could they do if they were abused or mistreated by Officer Ramos?

From Street Law: A Course in Practical Law (1980), West Publishing Company, Box A, 170 Old Country Road, Mineola, NY 11501. Reprinted with permission.

Title: WHO SHOULD GO TO JUVENILE HALL?

Unit: Law

Description:

This simulation will allow students to put themselves in the role of decision-makers in the detention of juveniles after arrest. It will reinforce students' understanding of juvenile procedure in the study of the juvenile justice system.

Objectives:

1. To increase understanding of the juvenile justice system.
2. To enhance decision-making skills.

New Mexico Basic Skills Objective:

G/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to regular

Materials: Attachments 1 and 2

Procedure:

1. Hand out Attachments and read through the alternatives with students (or assign as homework).
2. Divide the class into 6 groups and assign one of the cases to each group. Have groups assign a vote-taker.*
3. Have the groups read their cases. Groups should make a decision on which alternative to choose, and record the reasoning.
4. When decisions have been made, have each group summarize its case, give its decision and explain the reasoning.

* An alternative to this format is a role play, in which students are divided into groups of 2. Assign roles of intake officer and detained juveniles. Have the intake officers interview the juvenile and then make a decision about detention.

WHO SHOULD GO TO JUVENILE HALL?
A SIMULATION

When police arrest a juvenile, they have several alternatives:

Alternative 1: The police may counsel the youth and release him/her to parents or a guardian.

Alternative 2: In more serious cases, the police may release the juvenile after telling the parents/guardian that in a few days they will have to go to a probation officer for a "juvenile intake interview." At this interview a probation officer talks with the juvenile and his/her parents/guardian about the circumstances that led to the arrest. The probation officer then decides whether to file a petition with the Juvenile Court for a hearing (adjudication).

When a petition is filed, the juvenile and his/her parents/guardian must appear before a Juvenile Court judge. At the first Juvenile Court hearing the judge decides whether to make the juvenile a ward of the court. If the judge does make the young person a ward, another Disposition Hearing is held to decide what should be done about the case.

Alternative 3: The police may arrest a youngster and take him/her directly to Juvenile Hall when they believe a juvenile is dangerous or needs protection. At Juvenile Hall a probation officer interviews the youngster and decides whether to hold him/her.

In making this decision, the probation officer must follow certain legal guidelines. For example:

> ...The probation officer shall immediately investigate the circumstances of the minor and the facts surrounding his being taken into custody and shall immediately release such minor to the custody of his parent, guardian or responsible relative unless...continued detention of the minor is a matter of immediate and urgent necessity for the protection of the minor or the person or property of another.

If a probation officer decides to lock up a juvenile the juvenile must appear before a Juvenile Court judge within 72 hours after first being taken into custody by the police. This appearance in Juvenile Court is called a Detention Hearing. It is for the purpose of deciding if the juvenile should continue to be held in Juvenile Hall while awaiting his/her Adjudication Hearing in Juvenile Court.

From Crime and Justice - 10 Activities. Constitutional Rights Foundation, 6310 San Vicente Blvd., Suite 402, Los Angeles, CA 90048. Used with permission.

JUVENILE HALL IN-TAKE:
A SIMULATION

During this activity, members of the class will act as probation officers assigned to Juvenile Hall In-Take. They must decide whether to detain juveniles who have been arrested by the police or release them to their parents, guardians, or other responsible relatives. In each case, the juvenile involved must appear later in Juvenile Court. Thus, you must decide only whether the juvenile should remain in Juvenile Hall while waiting to go to Juvenile Court.

In making your decision, keep in mind the following facts:

1. Your decision must conform to the law (see the above).
2. The probation department has been heavily criticized recently by the police and others for releasing too many dangerous suspects. Many people are upset that juveniles arrested by the police can be found on the streets a few hours later bragging to their friends about the crimes they have committed.
3. Juvenile Hall is overcrowded and is generally not a good place for young people to be even for a few hours.
4. Your own views on the right thing to do.

Read the following cases. In each case, decide whether to hold or release the juvenile before his/her court appearance. Write down each decision and the reasons for it.

Case 1: John Carver, 14

John has been arrested because he allegedly sexually molested a 7-year-old neighborhood girl. John has been in trouble before. He has a Juvenile Court record for "glue-sniffing" and being a "runaway." The 7-year-old girl was not physically injured, but she was very frightened.

Case 2: Barry James, 17

Barry has been arrested in a police-conducted drug bust in several high schools. Barry has been accused of selling marijuana and pills to other students at his school in an upper middle-class neighborhood. This is the first time Barry has ever been arrested. Barry's parents have already hired an attorney who has contacted you and asked you to release Barry to his parents.

Case 3: Carl Russo, 17

Carl has been arrested in the same drug bust sweep described in Case 2. Carl has been accused of selling marijuana and pills to other students at his school in a poor neighborhood. Carl has a long juvenile record: marijuana, possession of a firearm. Carl also is a known gang member. "Snake" is his street name. Carl's parents are not living together. He is presently living with an aunt.

Case 4: Jane Flowers, 15

Jane has been arrested for allegedly running away from her foster home. Jane became a ward of the court after her father died of a drug overdose and her mother killed herself. Jane has been in several foster homes, but has been a persistent runaway. The last time Jane ran away, she was arrested for soliciting for prostitution. Jane says that she ran away this time after her foster father beat her. Black and blue marks are evident on her face and back.

Case 5: Clay Barton, 16

Clay has been arrested for drunk driving and hit-and-run of an 85-year-old woman while driving under the influence of alcohol. The woman is in critical condition at County Hospital. Clay fled the scene of the accident and was arrested four hours later at his home. Clay has a record of truancy at school but no Juvenile Court record. He is presently living with his mother, who is divorced.

Case 6: Gerald Medina, 17

Gerald has been arrested for murder. Gerald is accused of participating in the rape and knife-murder of a 16-year-old girl. He has a Juvenile Court record of assault with a deadly weapon (switchblade), driving while under the influence of narcotics (mescaline), and robbery. Gerald's older brother has spoken to you and has indicated that he will take responsibility for Gerald pending his Juvenile Court trial. The brother is married, has a steady job, and appears to be a responsible person.

Discussion Questions

1. Tally the decisions made by the members of the class in Case 1. What were the reasons for allowing the juvenile to go home? For keeping the juvenile in juvenile hall? Discuss the other cases in this lesson as you did Case 1.

2. Based on your experience with these cases and your knowledge of juvenile hall facilities, do you think the law which applies to the detention of juveniles is fair? Why or why not?

Title: THE BOUNDARIES OF FREE EXPRESSION

Unit: Law

Description:

This activity demonstrates the continuum from absolute to no protection afforded by the First Amendment to a variety of speech acts. It can be used when studying freedom of speech, either as an introductory activity or an application exercise.

Objectives:

1. To increase understanding of speech acts which the First Amendment does and does not protect.
2. To explore views on the proper boundaries of protection.

New Mexico Basic Skills Objective:

G/L 2B - Know the constitutional guarantees of individual rights.

Time: One-half to one class period

Level: Regular to advanced

Materials: Attachment entitled "The Boundaries of Free Expression"

Procedure:

1. Before class prepare two signs, one reading "Absolute Protection" and the other "No Protection". Tape one at one end of the room and the other at the opposite end of the room.
2. Explain to students that you will read a series of types of expressions. For each one, they must decide if the First Amendment affords absolute protection, no protection, or somewhere in between. Explain the meaning of absolute protection. The words of the First Amendment--"Congress shall make no law"--mean that under the Constitution all expression is absolutely protected. However, some expression is so dangerous or so offensive and is such a threat to the well-being of society that it cannot be protected even under the First Amendment.
3. For each item, ask students to take a physical stand on the continuum between the two points. Ask them to explain their reasoning for their stands. To avoid problems with a large class, have half the class respond to the first 8 items and the other half to the last 8.
4. Follow up the activity with questions such as the following:
   a. What do items which you place on the protected side have in common?
   b. Can you think of circumstances which might influence the protection? For example, does it matter who is speaking? Where the speech takes place? Who is in the audience?
   c. If you believe some kinds of expression are not protected then what is the effect of this belief on the First Amendment.

THE BOUNDARIES OF FREE EXPRESSION

ABSOLUTE PROTECTION _____X_____ NO PROTECTION

Place the numbers of the following types of expression on the continuum at the point representing the protection you think it should be afforded.

____ 1. a political speech in support of a candidate for mayor

____ 2. a public criticism of the president

____ 3. a message broadcast by a sound truck in a residential area

____ 4. a telephone call to the school with a phony bomb threat

____ 5. a protest against a city policy by a group who blocks the sidewalk

____ 6. attendance at a meeting of the Ku Klux Klan

____ 7. pickets at a grocery store protesting the store's hiring policies

____ 8. a petition signed by 100 citizens opposing a planned zone change

____ 9. a parade held without a permit

____ 10. a newspaper article which contains lies about your private life

____ 11. a speech before a large audience embarrassing the governor by telling about a mistake he made

____ 12. an advertisement which makes false claims about a product

____ 13. membership in the Communist Party of America

____ 14. distribution of leaflets to state legislators urging the passage of the Equal Rights Amendment

____ 15. a verbal threat to kill you

____ 16. a movie advertised as the "dirtiest movie ever filmed"

From "Road to Religious Freedom" Law in a Changing Society Project, Dallas, Texas. Used with permission.

Title: MARCHERS WERE WARNED CASE (1963)

Unit: Law

Description:

One of the guarantees by the First Amendment is the right to assemble peaceably. However, the interpretation of this right depends upon the particular circumstances of a case to which it applies. In this case study students will examine under what conditions this right may or may not be extended.

Objectives:

1. To increase understanding of the First Amendment right to assemble peaceably.
2. To develop appreciation for the fact that constitutional rights are not absolute.
3. To enhance reasoning skills.

New Mexico Basic Skills Objective:

G/L 2B - Know about the constitutional guarantees of individual rights.

Time: One-half class period

Level: Basic to advanced

Materials: Attachment entitled "Marchers Were Warned Case (1963)"

Procedure:

1. Begin activity with several springboard questions such as:
   Suppose the KKK (or Right to Life, Nazi Party, etc.) wanted to hold a march in your neighborhood.
   Would this be legal? Under what circumstances?
   How would you feel personally about such a march?
   Suppose at the march there were hecklers and troublemakers threatening a possible confrontation?
   Would the marchers still have a right to march?
2. Hand out the attachment and have students read the case and discuss the questions which follow it.
3. Have students identify the important facts of the case. Then have them explain the issue involved. Ask students to take positions either in support of the marchers' right to peaceably assemble or in support of the city's action against the marchers. Have students give reasons for their positions.
4. Take a vote to see which position the students believe the Supreme Court took in the case.

5. Read the decision. Allow time for discussion.

Supreme Court Decision:

The Supreme Court granted the Marcher's appeal.

The Court's reasoning was that the Marchers were conducting a peaceful assembly and were fully within the meaning of the First Amendment. Further, the Court stated that all persons have the right to peacefully protest any laws which they believe are unfair and discriminatory.

The Court also ruled that law enforcement agencies have the responsibility to protect those engaged in a peaceful protest assembly. In this case, the Court said, the interest of society would have better been served by controlling the onlookers and removing possible troublemakers from among them.

MARCHERS WERE WARNED CASE: 1963

In March, 1961, a demonstration took place in Columbia, South Carolina. About 190 demonstrators gathered at a downtown church that morning. Near noon their meeting at the church ended. They broke into groups of about 15 persons and walked from the church to the State Capitol grounds to reassemble. The capitol grounds were a park-like area opened to the public.

At the capitol, the demonstrators began to march, carrying their signs protesting certain State Laws. The demonstrators marched around the grounds orderly and undisturbed for more than an hour.

The police were alerted to the demonstration as soon as it began. Thirty officers were sent to the scene. As the demonstrators marched silently, the number of onlookers grew. By that time the demonstration had been going on for 30 minutes, and the number of onlookers watching it had grown to more than 200 persons. The onlookers were also quiet.

Police officers and the City Manager met and discussed the situation. The Manager believed he recognized some possible trouble-makers in the crowd. It was decided the demonstration should end.

After this decision was made, the police informed the demonstrators that the march must end within fifteen minutes. If the demonstrators did not end within that time, they would be arrested for disturbing the peace.

Upon hearing this, the demonstrators stopped marching and began to sing. They listened to a speech by one of their leaders. They began to clap their hands and stomp their feet in rhythm.

With the demonstration still going on at the end of the fifteen minutes, the demonstrators were arrested. They were charged with disturbing the peace and were each found guilty. They were given fines of from five to ten dollars and jail sentences from five to thirty days.

The demonstrators appealed the convictions on the grounds they had done no wrong. They had the right to assemble and protest and their arrest violated these rights.

The City of Columbia argued that they had taken their action only after a proper warning and only to prevent possible violence which could cause injury to persons and damage to property.

The Supreme Court ruled on this appeal.

From Middle School Law-Related Program, Atlanta Public Schools, 1980. John Evans, Chairman of Law Education, Division of Instructional Planning and Development. Used with permission.

DISCUSSION QUESTIONS: MARCHERS WERE WARNED

1. What Constitutional rights do you feel apply to this case?

2. Do you believe these demonstrators had the right to protest and march as they did? Why or why not?

3. Do you believe it was proper for police officers to be sent to the scene of the protest? Why or why not?

4. Why do you think the police would arrest a group of demonstrators rather than the crowds that gathered to watch them?

5. From this case, IF there were possible troublemakers in the crowd, do you feel it was proper for the police to stop the protest? Why or why not?

6. Do you feel a "time limit" should be placed on a protest or a demonstration? Why or why not?

7. Do you feel that the groups protesting or demonstrating should get permission from the appropriate government prior to the event? Why or why not?

8. Do you believe the Supreme Court should grant or deny the Marcher's appeal? Why or why not?

Title: FREEDOM OF RELIGION: INTERPRETING THE FIRST AMENDMENT

Unit: Law

Description:

Issues involving the establishment and free exercise clauses of the First Amendment are difficult ones to grasp. They are also surrounded by considerable controversy. This activity will help students understand the meaning of both these clauses as they apply them to various cases. Two sets of cases are included, the first for basic classes and the second for more advanced.

Objectives:

1. To recognize the difference between the establishment clause and the free exercise clause of the First Amendment.
2. To apply knowledge of the limits and freedoms granted by the First Amendment.

New Mexico Basic Skills Objective:

G/L 2B - To know about the constitutional guarantees of individual rights.

Time: One-half to one class period

Level: Attachment 1 for basic; Attachments 2A and 2B for average to advanced

Materials: Attachments 1, 2A and 2B entitled "Freedom of Religion: Interpreting the First Amendment"

Procedure:

1. Hand out either Attachment 1 or Attachment 2A (depending on the level of the class).
2. Review the language of the First Amendment dealing with freedom of religion to make certain students understand the difference between the two clauses.
3. Go through the first several cases as a class and ask students to determine which clause applies and whether each situation violates the First Amendment.
4. Have the class complete the cases, either individually or in groups.
5. Discuss the cases. (Hand out answers - Attachment 2B - to those students using Attachment 2A.)
6. As a follow-up, students might be asked to pose situations from their school setting which might be in violation of the First Amendment.

FREEDOM OF RELIGION: INTERPRETING THE FIRST AMENDMENT

The First Amendment states that Congress cannot pass laws that (1) establish a religion or (2) prevent a person from exercising his/her religion.

According to the First Amendment, do you think each situation below should be permitted?

1. Congress wants to pass a law stating that atheists cannot run for President.

2. The state legislature wants to pass a law requiring all schools to post the Ten Commandments in every classroom.

3. A member of the Jehovah's witnesses needs a blood transfusion to save his life. He refuses the transfusion because it is against his religious principles.

   Would it make a difference if the church member was a child? Would it make a difference if the church member was a woman who was 8 months pregnant?

4. Your school has a rule that a prayer be recited each school day. Children who object to reciting the prayer are allowed to remain silent, or may be excused from the room.

5. A student at your school is killed in an auto accident. The principal asks all students to bow their heads in prayer.

6. The Native American Church requires the use of peyote at religious ceremonies. Peyote is an illegal substance.

7. A state law says that all stores must close on Sunday of each week.

8. A school board whose members are Baptists forbids dances to be held in the gym because dancing is against the Baptist religion.

FREEDOM OF RELIGION: INTERPRETING THE FIRST AMENDMENT

In each of the following cases, an individual is challenging a government law or practice which affects religious liberty. Explain the precise conflict presented in each case. Then, for each case, decide (1) whether the establishment clause, the free exercise clause, or both, are the basis of the challenge and (2) whether the challenged law or practice is a violation of the First Amendment.

1. A state law requires that school children begin the day by saluting the flag and reciting the pledge of allegience. Children of Jehovah's Witnesses refuse to participate, as such an activity violates their religion.

2. A federal law provides construction grants for buildings and facilities used exclusively for secular educational purposes at church-related colleges and universities.

3. A state board of education develops a non-denominational prayer to be said at the beginning of the school day. Students may either leave the room or sit quietly during the prayer if it offends their religious beliefs.

4. Christmas carols are performed at the school assembly in mid-December. The assembly is held in the school's auditorium in the evening and attendance is voluntary. Considerable class time is used in preparing the assembly performance.

5. A state law requires all children to attend school until the age of 16. Members of the Amish religion believe that high school is too worldly for their children and that children between the ages of 14 to 16 should devote that time to Bible study and training at home in farm work.

6. In an attempt to preserve parochial schools (thereby avoiding overcrowding of public schools) and to relieve parents of parochial school students of the burden of a "double tax," a state passes a law to reimburse 15% of the salaries of parochial school teachers who teach exclusively secular subjects.

7. The theory of evolution is a standard part of the school's biology curriculum. When tested about this topic, a student responds that religious creation rather than evolution accounts for man's presence on earth. The teacher marks his answer wrong.

After you have finished, go back over your answers. Have you maintained the "wall of separation" between Church and State? Have your positions consistently supported the principle of "religious neutrality?"

FREEDOM OF RELIGION: INTERPRETING THE FIRST AMENDMENT

ANSWERS

1. Violation
   West Virginia State Board of Education v. Barnette
   319 U.S. 624 (1943)

2. No Violation
   Tilton v. Richardson - 403 U.S. 672 (1971)

3. Violation
   Engel v. Vitale - 370 U.S. 421 (1962)

4. No violation
   Florey v. Sioux Falls School District
   619 F. 2d 1311 (CA8, 1980)

5. Violation, but narrowly considered
   Wisconsin v. Yoder - 406 U.S. 205 (1972)

6. Violation
   Lemon v. Kurtzman - 403 U.S. 602 (1971)

7. The Court's decision opened the door to allowing religious creationism to be taught in conjunction with the theory of evolution. The Court's decision was sufficiently vague so that both sides were not displeased with the outcome. The Segraves case, decided by California's Superior Court 3/16/81.

Prepared by Lee Arbetman, National Street Law Institute, 605 G Street, Washington, D.C. 20001

Title: FREE PRESS/FAIR TRIAL: THE RIDEAU CASE (1962)

Unit: Law

Description:

This case study concerns Constitutional rights in conflict - the right of the people to know (free press) and the right of a criminal defendant to due process (fair trial). It should be used after studying the First, Fifth, and Sixth Amendments as a lesson which demonstrates that rights guaranteed by the Constitution sometimes conflict.

Objectives:

1. To develop awareness of Constitutional rights in conflict.
2. To reinforce understanding of the First, Fifth, and Sixth Amendments.
3. To enhance critical thinking skills.

New Mexico Basic Skills Objectives:

1. GL2B - Know about the Constitutional guarantees of individual rights.
2. GL3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One-half to one class period

Level: Regular to advanced

Materials: Attachment entitled "Free Press/Fair Trial: The Rideau Case (1962)"

Procedure:

1. Hand out attachment. Have students read case as homework or in class.
2. Ask students to list which rights guaranteed by the Fifth and Sixth Amendments apply to Rideau's case.
3. Discuss the questions provided.
4. Ask students what they would decide in the case.
5. Read the decision of the Court.
6. You might also ask students to find examples of local cases in the newspapers in which a change of venue has occurred.

Supreme Court Decision:

The Supreme Court granted Rideau's appeal.

Notwithstanding the voluntary, signed confession that Rideau made, the Court held that he did not have a fair trial. The television news story, having been viewed by a great majority of the local population, made it improbable that twelve impartial jurors could be selected. By this decision Rideau got a second trial with a change of venue.

FREE TRIAL/FREE PRESS: THE RIDEAU CASE (1962)

Wilbur Rideau had been arrested and charged with murder, kidnapping and armed robbery. The arrest was in February, 1961, at Lake Charles, Louisiana. Rideau was accused of robbing the Lake Charles Bank of $14,000 and taking three bank employees as hostages at gunpoint. He shot the three hostages, killing one, before he was captured.

After his arrest, Rideau was questioned in his jail cell by the sheriff. A television news crew from a local station was allowed to film this questioning. During the filming, Rideau admitted he had committed murder, kidnapping and bank robbery.

The film of this questioning was broadcast by the television station for three days as a news item.

When Rideau came to trial, his lawyer requested a change of venue (to move the trial to another place in Louisiana) because his confession had been broadcast. Television station officials testified that about two-thirds of the local population had seen the confession on one or more broadcasts.

The request for a change of venue was denied. Rideau was tried and convicted. One piece of evidence introduced in his trial was Rideau's voluntary confession. Rideau was sentenced to be executed.

Rideau's lawyers appealed the conviction on the grounds that the news story which was televised made it impossible for Rideau to have a fair trial and that the judge made an error in not granting the request for a change of venue.

For this case, the student should be able to correctly use the following terms:

1. Change of venue 2. Confession 3. Impartial

Amendment V (1791) - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject, for the same offense, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property be taken for public use, without just compensation.

Amendment VI (1791) - In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

QUESTIONS

1. What rights guaranteed by the Fifth and Sixth Amendments apply to this case?

2. Do you believe that Rideau, or any suspect, should be allowed to appear on television? Why or why not?

3. Since Rideau signed a voluntary confession, should the television news story have made any difference? Why or why not?

4. Why do you think the framers of the Constitution guaranteed the right to trial "by impartial jury of the State and district wherein the crime shall have been committed?"

5. Do you think that the location of a trial should be moved if there is a lot of news coverage of either the crime, the suspect or the victim? Why?

6. In this case, what do you think is more important, the people's right to have information about the case through the news media, or the defendant's right to a fair trial?

7. Do you think the Supreme Court should have granted or denied the appeal of Rideau? Why or why not?

From Middle School Law-Related Program, Atlanta Public Schools,1980. John Evans, Chairman of Law Education, Division of Instructional Planning and Development. Used with permission.

Title: A VISITOR FROM OUTER SPACE

Unit: Law

Description:

This space age activity asks students to consider the value of rights guaranteed by the Constitution and decide which they would be willing to give up and which they would keep. It will allow students to think critically about the nature of constitutional guarantees and their interrelationship. An excellent conclusion to the study of the Bill of Rights, it asks students to apply their knowledge as well as their values to a difficult decision.

Objectives:

1. To reinforce understanding of constitutional rights.
2. To examine values about constitutional rights.
3. To enhance decision-making and critical thinking skills.

New Mexico Basic Skills Objective:

G/L 2B - Know about the constitutional guarantees of individual rights.

Time: One-half to one class period

Level: Basic to advanced

Materials: Attachment entitled "A Visitor from Outer Space"

Procedure:

1. Hand out attachment and read through it with students.
2. In groups or individually, have students rank order the rights.
3. Discuss their results. Ask students to give reasons for their decisions. Have them discuss the interrelationship among rights.

A VISITOR FROM OUTER SPACE

It is the year 1993 and you are living a quiet, prosperous life here in New Mexico. You are quietly watching television with your family when a special news bulletin comes over the television station. You immediately see that this is not the normal type of news bulletin because there is what looks like a very strange creature on the screen--the only thing which is familiar is that he is speaking English. He tells you that he and his people have gained control over all of the communications networks in the United States and that everyone had better pay attention to what he has to say. You change the channel--and just as he said--there he is on every station. He begins to speak very loudly, and you gather your family around because you are beginning to worry about what he is going to do. His speech is as follows:

> "My name is STHGIR and I am from the Planet NOITUTITSNOC in another galaxy where the inhabitants are far superior to the beings on this planet EARTH. Just as we have gained control over the communications of the United States, we have the ability to take complete control over every one of your lives. We do not want a war between our planet and yours, but we do want to control some things so that we can live in peace and harmony with you. We have looked at some of your laws and the way your government operates and have found it to give too much freedom to the individual. Therefore, we are going to conduct a survey to try and arrive at a decision in which both you and I are happy. As I have said, I do not want to take everything away from you--but I can't allow you to continue to live as you have in the past. Therefore, I am giving you a list of ten of the rights which you now have according to your Constitution. You are to rank the following rights in the order in which you would give them up, with 1 being the one you would give up last and 10 being the one you would give up first. After you have completed your ranking, you will receive further instructions."

____ Right to bear arms

____ Right of freedom of speech

____ Right to legal counsel

____ Right to protection from cruel and unusual punishment

____ Right to freedom of the press

____ Right to a jury trial

____ Right to freedom of religion

____ Right to peacefully assemble

____ Right protecting self-incrimination

____ Right to privacy

From Responsibilities and Rights in Schools, 1978, by Donald P. Vetter and Linda Ford of the Carroll County Public Schools, Westminster, Maryland 21157. Reprinted with permission.

Title: THE 14TH AMENDMENT AND EQUAL PROTECTION

Unit: Law

Description:

Equal protection is an important constitutional guarantee but one that is often neglected in civics texts. Therefore, included with an activity on applying the 14th Amendment is an excerpt from Civics published by the Albuquerque Public Schools.

Objectives:

1. To understand the meaning and interpretation of the 14th Amendment.
2. To examine landmark historical cases in the application of the 14th Amendment.
3. To understand the difference between state and private discrimination.
4. To understand that some forms of discrimination are reasonable if there is a rational basis for that discrimination (e.g., age requirements for drivers).

New Mexico Basic Skills Objective:

G/L 2B - Know about constitutional guarantees of individual rights.

Time: One class period

Level: Regular to advanced

Materials: Attachments 1 and 2 entitled "The 14th Amendment and Equal Protection"

Procedure:

1. Hand out Attachment 1 or assign for homework.
2. Discuss the substantive material in the handout. You might consider having an attorney participate in this discussion. Use discussion questions listed.
3. Hand out Attachment 2. Have students complete the activity individually or in groups. Discuss each item and ask students to give their reasoning.

WHAT DOES EQUALITY MEAN WITHIN OUR SOCIETY?

The Declaration of Independence states "that all men are created equal." The Fourteenth Amendment says that "no state shall.... deny to any person within its jurisdiction the equal protection of the laws." Both say that all of us should have equal opportunity and equality under the law. The problem, though, is that this goal of equality has not been reached. Minority group members in particular have been left behind. In large part this is because of discrimination. They have been treated differently from others because of their color, ethnic group, religion, sex, or age. We need, then, to find out why equality has not been reached under the Fourteenth Amendment. We also need to look at how the courts have viewed "the equal protection of the laws" clause of the Fourteenth Amendment.

EQUALITY UNDER THE LAW (FOURTEENTH AMENDMENT)--the Fourteenth Amendment was added to the Constitution in 1868 just three years after the end of the Civil War. The equal protection clause outlaws discrimination by an action of a state. Does this mean that private discrimination is allowable? The answer is "yes." except in those areas where a federal or a state law forbids discrimination. An example of such private action is the fact that certain private clubs will not admit as members Blacks, women, or other minorities. In the South there are all White country clubs. There are private clubs in Albuquerque that have never allowed a Black or a woman to become members.

Another problem is that the equal protection clause was intended to protect Blacks. Its purpose was to prevent discrimination against Blacks who were now freed men rather than slaves. Are other minorities protected? Does the Fourteenth Amendment offer protection for women? Does it protect the old or young? Does it protect certain ethnic minorities? Does it protect members of all religious groups? The answer to these questions has not clearly been answered by the courts. This is why many women feel they must have their own Equal Rights Amendment. This proposed amendment states: "Equality of rights under the law shall not be abridged by the United States or by any State on account of sex." Thirty-five states have ratified this amendment. If three more states vote to accept it, the Equal Rights Amendment will become the law of the land.[1] The elderly as well have worked for protective laws. Their concern is for retirement and pensions.

The other problem with the Fourteenth Amendment is one of history. The purpose of the equal protection clause was clearly to keep states from discriminating against Blacks. Yet, the courts did not really use it in this way until the 1950s. This meant a long period of court-approved state segregation laws. These laws strictly separated white and Black people. People were segregated in schools, on buses and trains, in hotels and eating places, and in public areas. Such laws, moreover, won the blessing of the Supreme

1 Some states have recinded their ratifications and it is unlikely that the required number will have ratified the Equal Rights Amendment by the deadline.

Court in its 1896 Plessy v. Ferguson decision. In Plessy the Court ruled that a state law separating the races on trains was acceptable. It did not go against the Fourteenth Amendment. The Court said segretation laws did not stamp Blacks with "a badge of inferiority." It went on to say that states could have separate facilities for Blacks and whites as long as they were equal. Only Justice John Marshall Harlan did not agree. He would not accept the Court's "separate but equal" doctrine. Harlan wrote, "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens."

It was not until 1954 that the Supreme Court changed its basic stand. In Brown v. Board of Education, Chief Justice Earl Warren spoke for everyone on the Court. Said Warren, "Does segregation of children in school solely on the basis of race,... deprive the children of the minority group of equal educational opportunity? We believe that it does." He went on to say, "We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." In short, the Court ruled that separate schools deprived students of an equal chance. After the Brown case the Court quickly struck down other state segregation laws. It outlawed separation on buses within the same state. It outlawed segregation in public housing and recreation. Then, in 1967 it struck down one of the last segregation laws. This was a law that did not allow Blacks and whites to marry.

The Court thus used the Fourteenth Amendment to put an end to discriminatory laws. It remained for Congress and state legislatures to do something positive for equality. Congress passed Civil Rights Acts in 1957, 1960, and 1964. The 1964 act outlawed discrimination in the use of federal funds. It also set up an Equal Employment Opportunity Commission. This commission is to stop discrimination in job hiring. In 1965 Congress passed a Voting Rights Act, an act renewed in 1970. This act helped insure the right to vote. This had been a right denied to Blacks for years. This act said the federal government would help to register voters and to oversee elections. Congress has also passed laws outlawing race or sex discrimination in housing. These laws cover the rental, sale, and financing of housing.

Today, then, we can say that the government has made a legal commitment to equality. All of us are to be allowed to vote. We are to be a part of the decision-making process. No one is to be denied a job because of race, color, religion, sex, or ethnic group. All workers, men and women alike, are to be paid equally for like jobs within the same company. In fact, the government has used its control of federal monies to push affirmative action.

Affirmative action means positive action. It seeks to advance all groups toward equality. Medical and law schools are to seek out minorities. Colleges are to admit minorities. Businesses are to hire and promote minorities. Indeed, affirmative action is required of everyone who receives federal monies. This is one thing that is meant by equal opportunity and equal treatment under the law today.

BEST COPY AVAILABLE

Discussion Questions:

1. What was the historical purpose of the 14th Amendment?
2. What is the difference between private and public discrimination? Which is allowed? Why?
3. What did the Supreme Court decide in Plessy v. Ferguson? Do you think the "separate but equal" doctrine goes against the intent of the 14th Amendment?
4. What kind of segregation laws existed before 1954? What was so important about Brown v. Board of Education?
5. What is affirmative action? Why is it needed?
6. Can you think of any laws that discriminate against women, youth, old people, etc., that might be justified?

Reprinted from Civics, Susan Roberts, Betty Waugh, and Ann Gonzales. Albuquerque, NM, University of New Mexico Press, 1980.

14th AMENDMENT HYPOTHETICALS

Each of the following situations involve some form of discrimination. If you think the situation described in the statement is reasonable and should be permitted, then place an R on the line before the statement. If the situation is unreasonable, and should not be permitted, then place a U before the statement. What kind of discrimination is there in the situation?

___1. State law requires that a person be 18 years old to vote.

___2. An airline requires that a pilot retire at the age of 50.

___3. A state law requires that a person must be a high school graduate to get a driver's license.

___4. The US government refuses to draft women for service in the armed forces of the US.

___5. The owner of a Pizza Hut restaurant wants to hire a manager, but will only accept applications from people born in Italy.

___6. A city's bus system does not have any buses that can be used by passengers in wheelchairs.

___7. A private church school refuses to allow Catholic students to enroll.

___8. A state law requires that persons must be of the opposite sex in order to get a marriage license.

___9. A state law requires that persons must be able to read and write in order to vote.

___10. A real estate company only sells houses in mainly white neighborhoods to whites, and houses in mainly black neighborhoods to blacks.

___11. Auto insurance companies charge more for insurance if the driver is unmarried.

___12. After one year on the job, a telephone company pays female telephone operators more than it pays male telephone operators.

___13. A hospital requires patients who are citizens of other countries to pay for their medical care ahead of time.

___14. A movie theater charges less if a person is a student.

___15. A state law requires that only persons who own land or their own homes can serve on juries.

Who is doing the discriminating? What group is being discriminated against? Is it governmental or private discrimination? Does it make a difference. Why?

Title: GOLDBERG V. KELLY (1970)
DO WELFARE RECIPIENTS HAVE RIGHTS?

Unit: Law

Description:

The issue of the rights of welfare recipients is an often debated topic. This case study examines the Fourteenth Amendment due process clause as it applies to the termination of welfare payments. This activity can be used after students are familiar with the Fourteenth Amendment. It can also be used when examining issues of social legislation.

Objectives:

1. To increase understanding of the application of the Fourteenth Amendment due process rights.
2. To examine issues surrounding rights of persons receiving government aid.
3. To enhance critical thinking and group process skills.

New Mexico Basic Skills Objectives:

1. G/L 2B - To know about the constitutional guarantees of individual rights.
2. G/L 4C - To know the reasons for social legislation.

Time: One-half to one class period

Level: Regular to advanced (Basic with close direction)

Materials: Attachments 1 and 2

Procedure:

1. Hand out Attachment 1 and read the case.
2. Ask the class to give two reasons in support of John Kelly's position and two in support of the Commissioner of Public Welfare's position.
3. The activity can be expanded into a modified appellate court hearing by dividing the class into groups of three.
4. Assign students in each group to play the roles of judge, attorney for John Kelly and attorney for the Commissioner.
5. Give attorneys 5 minutes to prepare their arguments. During this time, have judges review the language of the Fourteenth Amendment.
6. Conduct simultaneous hearings. Instruct attorneys for the Commissioner to argue first, then the attorneys for Kelly. (7-10 minutes)
7. Give judges 3-5 minutes to prepare their decisions.
8. Have each judge announce his/her decision and the reasons for it.
9. Hand out Attachment 2, the U.S. Supreme Court decision, and have students read it. If desired, take a vote to see how many students agree with the decision.

ATTACHMENT 1

GOLDBERG V. KELLY (1970)

John Kelly and some others in New York City received notice that their welfare payments were about to be ended. According to New York rules, a person may have a hearing after they have been dropped from the relief rolls and their payments stopped, but not before. If the hearing showed that payments should not have been stopped, then the person could collect back payments.

Kelly and the others argued that they should receive a hearing before their payments stopped because the Fourteenth Amendment guarantees that no person may be deprived of life, liberty, or property without due process of law. Having a hearing after the aid was cut off would violate that guarantee. They sued Mr. Goldberg, the Commissioner of Public Welfare for New York City in a federal suit.

GOLDBERG V. KELLY (1970)

DECISION

The U.S. Supreme Court agreed with John Kelly, the defendant. The Court ruled that a person on welfare could be caused great injury in being denied payments while waiting for a hearing. The need of the recipient is more important than the possibility of the state's making payment to someone who is ineligible for aid. The Court ruled that the Fourteenth Amendment rights to due process did apply to this case, and therefore, hearings must be held before aid is cut off.

The Court further listed requirements that the hearings must meet: (1) the person making the appeal has the right to question whoever gives evidence; (2) the appellant may bring a lawyer to the hearing, but the state is not required to appoint a lawyer for indigents; and (3) the official who hears the case must have no interest in the case and must give the reasons for the decision.

Title: MOORE V. GALLUP (1943) - A CASE STUDY IN GUN CONTROL

Unit: Law

Description:

This activity focuses on the controversies surrounding the Second Amendment - the right to bear arms. Students will have an opportunity to explore arguments on both sides of the gun control issue in this case study. It can be used in the study of the Bill of Rights.

Objectives:

1. To increase understanding of interpretation of the Second Amendment.
2. To increase awareness of the role of the judiciary in defining rights.
3. To enhance reasoning and argument skills.

New Mexico Basic Skills Objective:

G/L 2B - To know about the constitutional guarantee of individual rights.

Time: One class period

Level: Regular to advanced

Materials: Attachment entitled "Moore V. Gallup (1943)"

Procedure:

1. Hand out the attachment and have students read the case study.
2. Discuss the questions, either as a class or in groups.
3. Divide class into groups of 4-5. Have half of the groups develop reasons in favor of upholding the licensing authority's decision. Have the remaining groups develop reasons against the decision. (allow about 10 minutes)
4. Have each group report its arguments.
5. Take a vote to tally the personal responses of each student "for" and "against" the decision.
6. Read the New York appeals court decision on the case.

Decision:

The New York court upheld the licensing authority in not giving Moore the license. The court said Moore's reasoning for wanting the gun was not 'proper cause.'

MOORE V. GALLUP (1943)

A New York law says licenses for firearms can be given for five reasons:

(a) to a homeowner "to have and possess" in the home;
(b) to a bank - or express - company messenger to have and to carry concealed while on duty;
(c) to a storekeeper "to have and possess" at the store;
(d) to a regular state worker to have and carry concealed while on duty; and
(e) to any other person to have and carry concealed when "proper cause" exists for issuing the license.

The law also says that only persons of good moral character who have not been convicted of serious or violent crimes may get licenses for firearms.

After this law was passed, a man named Moore applied for a license. He wanted to buy a pistol and carry it hidden on his body. Moore had legally owned many guns for many years before this latest law had been passed. He had never been arrested for any crimes. He sent in several letters describing his good moral character with his application for the license. Moore stated he wanted the pistol simply to carry it from his home to certain places for target practice.

The New York licensing authority refused to give Moore a license. They did not question any part of his application.

Moore appealed to a state court.

Questions:

1. Do you think the court's ruling applied the New York law properly? Why?

2. Is it wise to limit gun licenses to persons of "good moral character"? Why? How would you define "good moral character"?

3. What do you think would be good reasons (or "proper cause") to own a gun?

4. The Supreme Court has interpreted the Second Amendment as forbidding only federal interference with a state militia. In light of this fact, do you think this law and others like it violate the rights of private citizens to "bear arms"? Explain your answer.

Title: INDIVIDUAL RIGHTS: APPLY YOUR KNOWLEDGE

Unit: Law

Description:

This activity will allow students to apply what they have learned about Constitutional rights. It can be used as an evaluation exercise after studying individual liberties and due process rights. It may also be used as a pre and post evaluation.

Objectives:

1. To reinforce knowledge and understanding of individual rights.
2. To enhance reasoning skills.

New Mexico Basic Skills Objectives:

1. GL2B - Know about the Constitutional guarantees of individual rights, such as due process.
2. GL3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachments entitled "Individual Rights: Apply Your Knowledge"

Procedure:

If this activity is not done as a test, the following procedure may be used.

1. Divide the class into groups of 3-4.
2. Assign one question to each group.
3. Have groups discuss their questions and write out answers. (15 minutes)
4. Ask each group to give their answers and explain their reasoning.
5. As homework, you can ask students to write out answers and reasoning for the questions they did not work on in class.

ATTACHMENT 1

INDIVIDUAL RIGHTS: APPLY YOUR KNOWLEDGE

Directions: Read each of the ten (10) cases and then asnwer the questions in the space provided.

---

1. A man, sentenced to death for murder, lived through an attempt to execute him because of a mechanical defect in the state's electric chair. He appealed to the Supreme Court that a second attempt to execute him placed him in double jeopardy and thereby violated his Constitutional rights.

   Do you agree or disagree with the prisoner? Why or why not?

2. A man was arrested on the charge of drunk driving. Following his arrest, he was required to submit to a blood test which determined that he was legally drunk. He appealed his conviction for drunk driving on the grounds that the required blood test forced him to give evidence against himself.

   Do you agree with this man? Why or why not?

3. A person sought to have the motto "In God We Trust" taken off all United States money because the motto presents a religious belief.

   Do you agree with this person? Why or why not?

4. Some judges have set bail high for youthful offenders in order to give them "a taste of jail" and when the offender is brought to trial, dismiss the charges so there will be no record of conviction.

   Do you agree that this is fair and proper? Why or why not?

5. Suppose there is a religious group who believes that its members must walk over hot coals to prove that their sins are forgiven. One of their members, a small child, is badly burned doing this and dies. The leaders of the group are arrested but claim they cannot be tried for any crimes as they were only exercising freedom of religion.

   Do you agree with these leaders? Why or why not?

6. A young man fled this country so he would not be drafted into this country's armed forces. He renounced his United States citizenship and became a citizen of Sweden. Now the young man wishes to return to this country and reclaim his citizenship. The immigration department says that it does not have to let him into this country. The young man says it does.

   Do you agree with the young man? Why or why not?

7. A man was arrested and was convicted of 307 counts of selling "moonshine," illegal liquor. The judge fined him $20 on each of the 307 convictions. The man appealed saying that he had committed only one crime and that it was cruel and unusual punishment to fine him $20, 307 times.

   Do you agree with the man? Why or why not?

8. A booster club at a high school decided to hold a street dance just after school to build up school spirit for the big game. A number of students began dancing in the streets about ten minutes after school was over. The police arrived and told them to stop the dance and move on. The students refused. The police arrested them. The students claimed they were violating no law, only exercising a Constitutional right.

   Do you agree with the students: Why or why not?

9. A tenth grader carries a loaded pistol under his coat to school each day. He says this will keep people from bothering him and that he has a right to carry a gun.

   Do you agree with this student? Why or why not?

10. A police officer stops a car for speeding and while writing the traffic ticket observes a bag of white powder lying on the car's floor. The officer picks up the bag, exmaines it, believes it to be a dangerous drug and arrests the driver.

    Do you believe the officer was right to seize the bag? Why or why not?

From Middle School Law-Related Program, Atlanta Public Schools, 1980. John Evans, Chairman of Law Education, Division of Instructional Planning and Development. Used with Permission.

Title: FREEDOM OF SPEECH: THE TINKER CASE (1966)

Unit: Law

Description:

This is a landmark student free speech case which took place at the beginning of the Vietnam war protest. The case is examined through means of a modified Supreme Court simulation. Students will play the roles of attorneys for the petitioner and respondent and justices of the Supreme Court as they enact the arguments of the case. The activity can be used when examining the First Amendment as it applies to students. It should follow other activities dealing with freedom of speech.

Objectives:

1. To increase understanding of the First Amendment.
2. To develop awareness of the rights of students.
3. To enhance reasoning, argument, and oral communication skills.

New Mexico Basic Skills Objective:

GL2B - Know about the Constitutional guarantees of individual rights.

Time: One and one-half class periods

Level: Basic to advanced

Materials: Attachments 1 and 2 entitled "Freedom of Speech: The Tinker Case (1966)

Procedure:

1. As an introduction to this activity, you might ask students if they think it is within their rights to wear political buttons, crosses, T-shirts with printed materials, or "gang" clothing to school. Discuss the meaning of symbolic speech.
2. Hand out attachment #1 and have students read the case.
3. Conduct a discussion based on the questions provided.
4. Use the board and ask the class to generate a list of agruments that the Tinkers might use to support their case, and a list that the Des Moines School Board might use. Have students take notes.
5. Divide the class into groups of 3. Assign students in each group to play these roles: (1) attorney for the Tinkers; (2) attorney for the Des Moines School Board; and (3) Supreme Court Justice.
6. Give attorneys 5-10 minutes to prepare their agruments. During this preparation period, instruct the justices on procedures. They should: (1) ask attorney for Tinker to present arguments; (2) ask attorney for Des Moines to present agruments; (3) allow attorney for Tinker to give rebuttal arguments. Tell justices to prepare questions they might ask attorneys and instruct them that during the proceedings they should ask questions.
7. Ask justices from each group to give their decisions and reasonings.
8. Hand out attachment 2 and read the actual Supreme Court decision.

FREEDOM OF SPEECH: THE TINKER CASE (1966)

In early 1965, when feelings about this country's involvement in Vietnam were high, a group of people--adults and students--met in Des Moines, Iowa, to decide how they could show opposition to our involvement in Vietnam. One of the methods adopted to show opposition was to wear black arm bands for a period of time.

When local school officials learned that there would be students attending school wearing such arm bands, they became concerned that this could possibly lead to disturbances within the schools. On December 14, the Des Moines School Board passed a regulation that students were not allowed to wear arm bands and other such related matter in the schools. Any student who wore an arm band to school would be asked to remove it and if that student did not he would be suspended.

On December 16, three children, ages 13-16, appeared at school wearing black arm bands. The principal asked them to remove the arm bands and they refused. The principal then suspended them.

The two Tinker children remained out of school for the full period of the protest. They had planned to wear the arm bands from December 16 through December 31.

The Tinker family went to the United States District Court to get the school regulation about arm bands struck down. This court ruled that the school officials had acted reasonably to maintain school order. The Tinker family then appealed to the United States Supreme Court on the grounds that their children had been denied the First Amendment right of free speech. They claimed that the wearing of the arm band was a form of speech (symbolic speech) and that in such exercise no disruption was caused.

Discussion Questions:

1. Do you think the Tinker children were exercising freedom of speech by wearing the arm bands? Why or why not?
2. Should students be allowed to demonstrate in their schools? Explain your answer.
3. Is it proper to make rules to prevent something you have reason to believe is soon to happen? Why or why not.
4. Should students be allowed to wear whatever they choose to school? Explain your answer.
5. Do you think the Supreme Court granted or denied the Tinkers' appeal? Explain your answer.

From Middle School Law-Related Program, Atlanta Public Schools, 1980. John Evans, Chairman of Law Education, Division of Instructional Planning and Development. Used with Permission.

DECISION

By a seven to two decision, the Supreme Court ruled that it was within the constitutional guarantees for the students to wear armbands. Mr. Justice Fortas, writing for the majority, wrote: "It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate."

The Court noted that it recognized the need and right of school officials to "prescribe and control conduct" within the school. The problem, said the Court, lies in the area where students, in exercising their First Amendment rights, are in direct conflict with the rules of the school authorities.

The issue involving the arm bands is far more important than disputes concerning the length of skirts or hair in the classroom. The Court also noted that those who wore arm bands had made no threats or acts of violence on school property.

"They (the petitioners) neither interrupted school activities nor sought to intrude in the school affairs or the lives of others. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State...but conduct by the student in class or out of it, which for any reasons - whether it stems from time, place or type of behavior - materially disrupts classwork or involves substantial disorder or invasion of the rights of others, is, of course, not immunized by the constitutional guarantees of freedom of speech."

The two dissenting justices stated, in part, in their dissent, the following: "School discipline, like parental discipline, is an integral and important part of training our children to be good citizens...Here a very small number of students have crisply and summarily refused to obey a school order designed to give pupils who want to learn an opportunity to do so. One does not need to be a prophet or the son of a prophet to know that after the Court's decision today, some students...will be ready, able and willing to defy their teachers on practically all orders. This case...subjects all public schools in the country to the whims and caprices of their loudest-mouthed, but maybe not their brightest, students."

Title: DUE PROCESS IN THE SCHOOLS: GOSS V. LÓPEZ (1971)

Unit: Law

Description:

In studying individual rights students should learn how the Constitution applies to the school environment. This landmark Supreme Court case defines due process rights of students in cases of school suspension. It can be used when studying either the Fourteenth Amendment or student rights and responsibilities.

Objectives:

1. To increase understanding of the Fourteenth Amendment rights of due process as applied to student suspensions.
2. To become aware of the limits of constitutional rights extended to students in a school setting.
3. To enhance reasoning skills.

New Mexico Basic Skills Objective:

G/L 2B - Know about the constitutional guarantees of individual rights.

Time: One to two class periods

Level: Regular to advanced

Materials: Attachments 1, 2, and 3 entitled "Due Process in the Schools: Goss V. López (1971)"
A copy of school's "Student Rights and Responsibilities" handbook

Resource Person: School board member or administrator (optional)

Procedure:

1. As an introduction, pose springboard questions such as: Have you ever been involved in a fight at school, or marked on a wall, or watched a fight at school? Suppose you were caught doing any of these activities. Could you be punished? Could you be suspended? What would your rights actually be? Hand out Attachment 1.
2. Read through the case as a class and have students discuss the questions which follow it.
3. Hand out the two opinions that the Court delivered (Attachment 2). Explain that one of these opinions is the majority opinion and the other is the dissenting opinion. Read through them with the class.
4. Take a poll to see which opinion students personally agree with.

5. Then hand out Attachment 3 and explain that opinion B was the majority opinion. Discuss Attachment 3.
6. Distribute copies of the school student rights and responsibilities handbook and locate the section that deals with suspensions. Ask students if procedures described are consistent with the Supreme Court decision.
7. If school board member or administrator is invited to the class, have him/her participate in the discussion and answer student questions.

DUE PROCESS IN THE SCHOOLS: GOSS V. LÓPEZ

Due process means fair procedures. According to our Constitution, the government cannot take away a citizen's "life, liberty, or property" without due process of law. This is why a person cannot be convicted of a crime without due process. An adult who is on trial is entitled to a number of procedural rights such as the right to be represented by a lawyer, to cross-examine his accuser, to present evidence on his own behalf, to be tried by an impartial jury and to appeal if found guilty. The question we will consider in this section is whether a student is entitled to due process before he is punished by school officials. And if so, exactly what process is due?

Goss v. López: Due Process in School

In 1971, many students from the Columbus, Ohio schools were suspended without first receiving a hearing. Some were suspended because they destroyed school property or got into serious fights. Others, like Dwight López, were suspended even though they said they were just watching the fights. In addition, school officials had never told them what they were accused of doing, and no evidence was presented against them. Dwight and eight other students, who were suspended from 1 to 10 days without a hearing, claimed that this violated their right to due process of law. Therefore, they took their case to court.

Questions to Consider

1. Although a criminal is entitled to many due process rights before being sent to prison, a child is not entitled to these rights before he is punished by his parents. Should school discipline be more like punishment at home or in court?

2. Should students be entitled to due process of law before they are punished by school officials? Should courtroom procedures be applied? What would be the advantages and disadvantages of requiring trials in school?

From Responsibilities and Rights in Schools, 1978, Donald P. Vetter and Linda Ford, Carroll County Public Schools, Westminster, Maryland 21157. Reprinted with permission.

DECISION: GOSS V. LOPEZ

The nine justices of the Supreme Court could not agree about the Goss case. Some voted for Opinion A which was written by Justice Powell, others voted for Opinion B, written by Justice White. Which do you favor and why?

Opinion A by Mr. Justice Powell

Judges should not interfere with the operation of the schools except to protect important constitutional values. "It cannot be seriously claimed," wrote Justice Powell, "that a school principal's decision to suspend a pupil for a single day" threatens any basic constitutional rights. On the contrary, suspensions are one of the punishments schools use to maintain discipline. Therefore, it would make the job of teachers and administrators much more difficult if courts required formal due process procedures before students who misbehave could be suspended.

Since most students and educators have common goals, it is unnecessary and unwise to think of minor school punishments (such as short suspensions) in terms of a courtroom trial. Furthermore, innocent students are rarely suspended, and when mistakes are made they can be corrected by informal means. Since most school staff are concerned about the education of their students, the informal methods of resolving differences "that always have been available to pupils and their parents" are better than requiring formal, legal due process procedures. Furthermore, if hearings are required for all short suspensions, school officials will have to spend so much time conducting hearings, they won't have time to do anything else.

If students and parents rely on the courts to solve school problems (such as deciding the proper suspension procedures), then judges might require due process whenever students object to the grades they receive, to their class assignment or to promotion policies. If this happens, judges rather than educators will be running the schools. This, concluded Justice Powell, would be unnecessary and unwise for all concerned.

Opinion B by Mr. Justice White

The Constitution does not require the states to provide public schools. But once they do, students have a "property" right to an education. Therefore, this right cannot be taken away without due process. Even a short suspension is not such a minor punishment that it can be imposed without fair procedures. Prohibiting a student from going to school for up to 10 days "is a serious event in the life of the suspended child." In this case, if the charges against López and the other students become part of their school record, this could "interfere with later opportunities for higher education and employment."

Justice White explained that due process is a flexible concept; it does not require that the same procedures be applied in all situations. However, due process at least requires that no one should be deprived of life, liberty or property without being told of the charges against him and given an opportunity to be heard. When a student is suspended for 10 days or less, he is not entitled to a courtroom trial, but he should be given an informal notice and hearing. According to Justice White, the student should be given "oral or written notice of the charges against him and, if he denies them, an explanation of the evidence the authorities have and an opportunity to present his side of the story." Due process requires at least these procedures to protect students "against unfair or mistaken findings of misconduct" and suspension from school.

DUE PROCESS IN THE SCHOOLS: GOSS V. LOPEZ

Justice White wrote the opinion for the majority; Justice Powell for the four dissenters.

The Goss decision only dealt with short suspensions. In cases of long suspensions or expulsion, students would be entitled to greater procedural protections. These might include the right to call and cross-examine witnesses, the right to be represented by a lawyer, and the right to appeal.

In cases of short suspensions, the Court only required an informal notice and hearing. This should reduce the risk of error by letting the principal know when students and teachers disagree about the facts of a case. In these situations, the principal might investigate further and call the accuser and witnesses. But this is not required.

To summarize, due process is a flexible concept that varies according to the possible punishment. The more serious the punishment, the more procedural protections are required. The minimum procedures required by Goss can guard against error without requiring a great amount of time or interfering with the educational process. "It would be a strange disciplinary system," wrote Justice White, "if a school did not try to inform a student of his misconduct and let him tell his side of the story in order to make sure that an injustice is not done."

Title: SEARCH AND SEIZURE IN A SCHOOL SETTING:
NEW YORK V. OVERTON (1969)

Unit: Law

Description:

The issue of search and seizure on school property is one students frequently ask about. This case study allows students to examine the legal reasoning for why students are not protected by the Fourth Amendment. The activity should be used when studying either the Bill of Rights or students' rights and responsibilities.

Objectives:

1. To reinforce understanding of the Fourth Amendment.
2. To enhance understanding of students' rights and responsibilities.
3. To develop critical thinking and listening skills.

New Mexico Basic Skills Objectives:

G/L 2B - To know about the Constitutional guarantees of individual rights.
G/L 3D - To know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: One class period

Level: Basic to advanced

Materials: Attachments 1 and 2 entitled "Search and Seizure in a school Setting: New York v. Overton (1969)"
Resource Person: A school board member or an administrator may be invited to act as a resource in the discussion.

Procedure:

1. Hand out Attachment 1 and read through the first paragraph. Ask students to give their views on the constitutionality of locker searches.
2. Have students read the case. Discuss the questions. Ask students to state the facts of the case and the issue involved.
3. Have students develop arguments for Overton's position and for the administration's position. This could be done in groups of 4-5.
4. Take a hand vote or have groups make a decision on the case.
5. Hand out Attachment 2 and read the New York court's decision.
6. Have students discuss the questions on Attachment 2.

SEARCH AND SEIZURE IN A SCHOOL SETTING:
NEW YORK V. OVERTON (1969)

The Fourth Amendment of the U.S. Constitution protects citizens "against unreasonable searches and seizures." This means that the police need either a person's consent or a search warrant (a court order) to legally search a person's home, his car, or even a locker at a train station he is renting. Should these laws prevent school officials from searching students or their lockers in school without a warrant? The purpose of this section is to learn how the Fourth Amendment does and does not apply to the public schools.

New York v. Overton*

In Mount Vernon, New York police detectives showed a search warrant to the vice-principal and asked his help to search Carlos Overton and another student. The detectives searched Carlos and found nothing. They then searched his locker where they found four marijuana cigarettes. But the warrant did not allow the police to search Overton's locker. Therefore, his lawyer argued that the entire search was illegal, and the evidence found in the locker could not be used against him. The police, however, claimed that the vice-principal consented to the search, that he had a right to do so, and that the evidence should be used in court.

Questions to Consider

1. Should school officials be able to search students or their lockers? Can you think of some circumstances when they ought to search? Are there some when they should not?

2. Should a principal be able to allow police to search student lockers?

3. Should students expect that school officials might inspect their lockers for illegal material?

*New York v. Overton, 301 N.Y.S. 2d 497 (1969)

From Responsibilities and Rights In Schools, 1978, by Donald P. Vetter and Linda Ford of the Carroll County Public Schools, Westminster, Maryland 21157. Reprinted with permission.

DECISION: New York v. Overton

Overton's lawyer argued that the Fourth Amendment protection against unreasonable searches should apply to a student's locker and desk as well as his home. Furthermore, since Carlos didn't consent to the search and since the warrant was not valid for a locker search, the police violated his constitutional rights. But the court did not agree.

The judge held that even if the warrant was not valid, the vice-principal had the authority to consent to the search. This is because of the special circumstances of public schools and the responsibilities of administrators to protect all students and maintain order. Moreover, parents who send their children to schools have a right to expect that they will be safe and not exposed to harmful conditions. Because of the danger of teenagers using illegal drugs, school officials have a special obligation to investigate reports about their possession, use, and sale.

In addition, at Mt. Vernon High School, students knew that the office had their locker combinations. Each student had exclusive use of his locker in relation to other students, but not in relation to school authorities. In fact, school rules explained what could and could not be kept in the lockers, and administrators have authority to inspect lockers to insure that the rules are not broken. According to the court, school officials not only have a right to inspect student lockers, "but this right becomes a duty" when they have a suspicion that something illegal is hidden there.

Questions to Consider

1. Who owns school lockers?
2. May school officials authorize outsiders to search student lockers?
3. Does the principal have the right to search a student's locker?
4. Can the principal have a lock removed from a school locker?
5. Should the student locker be respected as private property and should administrators be able to search lockers through the proper legal methods?
6. What is the policy of your school with regard to locker searches or inspection?

Title: CIVIL OR CRIMINAL LAW?

Unit: Law

Description:

This activity will test students' ability to differentiate between civil and criminal law by finding examples of each in the newspaper. Through this exercise students will also become aware of how much law-related news there is and the extent to which law pervades our society. It can be used as an application exercise after the criminal and civil justice systems have been introduced.

Objectives:

1. To reinforce an understanding of the differences between criminal and civil law.
2. To increase awareness of the extent to which law pervades the news.
3. To enhance reading skills of skimming and scanning.

New Mexico Basic Skills Objective:

G/L 3B - Know which acts society deems criminal.

Time: One-half class period

Level: Basic to advanced

Materials: A newspaper for each student (they need not be the same)

Procedure:

1. Have each student bring a newspaper to class or supply one for each student.
2. Ask students to scan all sections of the paper and identify as many articles as they can that deal with legal cases. Have students list the headlines of these articles on a piece of paper.
3. Have students skim the articles to determine whether they deal with civil or criminal law and label each headline on their lists accordingly.
4. Ask students how many articles they found and how many were civil and how many were criminal.
5. Have some students report briefly on the types of cases they found.
6. Students may also be assigned to keep track of section and page numbers to become aware of where different articles are generally found, or printed, in different papers.

Title: THE COURTS: CLAIM YOUR JURISDICTION

Unit: Government or Law

Description:

Learning the structure of the judicial system is often an abstract exercise for students if they cannot apply what they have learned. This motivating game is an application exercise intended to serve this need. It can be used after studying the court system.

Objective:

To increase understanding of the structure of the judicial system.

New Mexico Basic Skills Objective:

G/L 3A - To understand the composition and operation of the judicial branch.

Time: One class period

Level: Regular to advanced

Materials: Attachment entitled "Cases"
Construction paper

Procedure:

1. Divide the class into the following groups:
   a. Municipal Court
   b. Magistrate Court
   > Metropolitan Court in Bernalillo County
   c. Probate Court
   d. State District Court
   e. State Court of Appeals
   f. State Supreme Court
   g. U.S. District Court
   h. U.S. Circuit Court of Appeals
   i. U.S. Supreme Court
2. Have each group make a sign identifying its court. Also have groups make a sign with "CLAIM" on one side and "DO NOT CLAIM" on the other side. (this can be done by the teacher before class).
3. Explain that the groups will hear a number of cases. Groups must decide if their courts have original jurisdiction over the case. If they do, they should hold up their "CLAIM" sign. If not, they should hold up the "DO NOT CLAIM" side of the sign. Some cases ask for the court to which an appeal would go. The same procedure should be followed for claiming or not claiming.
4. A score board should be put on the board. Teams should get 3 points for correctly claiming jurisdiction, 1 point for correctly not claiming jurisdiction, and -3 points for incorrectly claiming or not claiming jurisdiction.

CASES

1. Darlene Abeyta is accused of killing her husband. (State District Court)
2. Marie Gonzales died and left a will describing how she wanted her property divided. (State District Court or Probate Court)
3. Fred Griego robbed the First National Bank. (U.S. District Court or State District Court)
4. Martín Baca got a ticket for going 50 miles per hour in a school zone. (Metro/Municipal Court)
5. Ernest Baca was convicted of armed robbery in Taos. He appeals the conviction. (State Court of Appeals)
6. Phil and James are stopped at the Texas-Mexican border. The Border Patrol finds marijuana in their car. (U.S. District Court)
7. Yolanda's landlord refused to return her damage deposit of $200 when she moved out of her apartment. She had done no damage and he didn't give any specific reasons for not returning the money. (Metro/Magistrate Court)
8. Margo was in an auto accident in which she injured her neck. She claims that Steve, the driver of the other car, was at fault and claims damages of $10,000. Steve's insurance company refuses to pay the claim. (State District Court)
9. John Silva was convicted of smuggling diamonds into California from Mexico. He appeals his conviction. (U.S. Circuit Court of Appeals)
10. James Albright was convicted of first degree murder and sentenced to life imprisonment. He appealed his sentence. (State Supreme Court)
11. The city council passes a bill which says voters must pay to park their cars at voting polls. In the past, the Supreme Court has said that there cannot be any required fee for voting. (Federal District Court)
12. Bill took his car to a repair shop. They said they fixed a mysterious rattle and charged him $100. After he had driven 2 blocks, the rattle came back. The repair shop refused to give him back his money or do more work on the car. (Metro/Magistrate Court)
13. Jesse is from New Mexico but gets into an automobile accident in Texas. He sues the driver for damages and looses. He appeals his case. (Federal Court of Appeals)
14. Mary Johnson applied for a job with a large corporation in New Mexico. Although she was qualified, another person was hired. She files suit against the corporation, claiming that its hiring policies are discriminatory. She wins her case. The corporation appeals and wins the appeal. She appeals her case. (U.S. Supreme Court)

Title: THE JURY SELECTION GAME

Unit: Law

Description:

This simulation demonstrates the jury selection process and shows the difficulties involved in selecting a fair and impartial jury. (It is not an exact replication of the procedure.) The activity should be used prior to mock trial. It can also be modified and used with a specific mock trial.

Objectives:

1. To recognize the procedure involved in selecting a fair and impartial jury.
2. To enhance reasoning skills.

New Mexico Basic Skills Objective:

G/L 3 - To know the relationship between the individual and the legal and penal systems.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "The Jury Selection Game"

Procedure:

1. Read information in Part 1.
2. Select 10 students (or fewer as appropriate for class size) to play the roles of prospective jurors.
3. Assign two students to each juror. One will be the prosecuting attorney and the other will be the defense attorney.
4. Select a bailiff and a judge (or the teacher can be the judge).
5. Review jury selection procedure in Part 2. Give students 5 minutes to prepare their roles.
6. Have jurors sit in front of the class. Instruct each pair of lawyers to question the juror they are assigned to. The prosecution should question first. Limit the number of jurors each attorney can eliminate to 3.
7. After all jurors have been questioned, complete activity by asking attorneys to give reasons for their decisions.

THE JURY SELECTION GAME

PART 1

The Constitution guarantees that a person accused of a serious crime is entitled to a trial by a jury of his/her peers. The prosecuting and defense attorneys have a great deal of control over who will serve as members of a jury. In selecting the jurors for a particular case, the attorneys have an opportunity to ask the prospective jurors questions to see if there is any reason why the juror may not be able to give a fair and impartial judgement in the case. For example, a man or woman with small children may not be impartial in judging someone accused of raping a small child, a bank teller may have problems being fair in a bank robbery case. A potential juror would be disqualified for knowing anyone involved in the case, including the victim, the accused, witnesses, or the attorneys.

There are no easy-to-follow rules for the attorneys to follow in deciding which jurors to disqualify and which to accept. The defense attorneys might look for people most nearly like the defendant in terms of education, income, religuous preference, and experiences. The prosecutors might look for jurors who would most likely be harmed by the defendant; such harm might include financial damage, physical injury, and the harm done to someone mentally when not allowed to live according to his/her beliefs.

State of New Mexico v. Jimmy Ruiz

Jimmy Ruiz, a 23 year old Chicano male, is accused of killing Wayne Heckler, a 52 year old clerk at Dixie Liquor Store. Heckler was killed during an armed robbery of the liquor store. Ruiz admitted that he went to the liquor store on the night of the murder, and that he had been drinking, but says he was home alone watching TV at the time the murder took place. Ruiz has no prior arrest record. However, complaints have been made by neighbors to the police about his intoxication.

Profile of Jimmy Ruiz

Ruiz has a high school education. He attended the local vocational school but dropped out before finishing a course in auto mechanics because he was offered a job at a gas station. He worked for 3 years but was fired for drinking on the job 8 months prior to the armed robbery.

Ruiz has been divorced for 2 years and has a 3 year old daughter to support. He was raised a Catholic but quit going to church shortly after his marriage.

He has gotten along well with his fellow workers and boss but his neighbors have complained to the police about noise and obscene language when he gets drunk. His drinking was the cause of his divorce.

Profile of Wayne Heckler

Heckler worked at the liquor store for 10 years. Prior to that he had been a construction worker but had been hurt on the job. He was married and had a grown son. Heckler was well-liked by his fellow workers but was sometimes loud and abusive at home. He liked to argue politics. He was a registered Democrat.

As a child he had attended church but had not attended for years and was often heard criticizing all religions.

PART 2

PROFILE OF POTENTIAL JURORS

1. Marilyn Domingo is 23, and is a political science major in college. She was appointed by the mayor to investigate charges of police brutality. She was the author of a report which condemned the behavior of the police, especially in their handling of Hispanics. She is Catholic.

2. María Saunders is 40. She is the past president of La Raza Unida and is an assistant attorney in the District Attorney's office. She is Catholic and usually votes Republican.

3. Martha García is a retired school teacher. She is a widow with grown children. She is currently suing a housing development for retired persons for racial discrimination because they refused to rent her an apartment there. She is Catholic and a registered Democrat.

4. Lucy Brown is 28. She is a waitress in a bar. She recently got out of the hospital where she spent 4 weeks after being shot in the leg by a robber at work. She is not registered with any political party and has not been to church in several years.

5. Bernadette Madrid is a retired social worker. She worked for the city helping track down divorced fathers who would not pay child support. She is a Catholic and a Democrat.

6. Susan García is 38 and owns her own restaurant. She is unmarried but supports her mother. She is a Republican and a Catholic.

7. J.H. Winthrop is 63. He is an unemployed construction worker. He is married with grown children. He is active in his union and helped the union prepare a court case against a construction company on charges of racial discrimination against Hispanics. He is a Democrat with no religious preferences.

8. Martín Serna is 36. He is an insurance executive and his wife is a well-known defense attorney in town. He is a Methodist and a registered Democrat.

9. James White is 45. He is a writer for "Conservative Light", a Republican magazine which has , in the past, been opposed to civil rights legislation in Congress. He was once arrested on suspicion of being part of a group which made threatening phone calls to a well-known Black leader in town. He is married with four children, Baptist and a Republican.

10. Eloisa Martin is 34 and a doctor. She is married, with one child. Her husband owns a package liquor store. She is a Catholic and a Democrat.

PROCEDURES

FORMAT: The _____ District Court of the State of New Mexico is now in session. The Honorable Judge _____ presiding. Will everyone please rise.

Judge enters, taps gavel, and says, "Be seated." Judge explains to the prospective jurors that they may or may not be selected in the case. Also, he makes a brief statement of the facts involved, so the prospective jurors are acquainted with the case in order that they may intelligently answer questions put to them by the attorneys. The Judge instructs the Clerk to call the first prospective juror. Each prospective juror (and witnesses later in the case) is administered the Oath by the Clerk:

"Raise your right hand (left hand is placed on the "book"). Do you swear that the testimony you are about to give is the truth, the whole truth, and nothing but the truth? (Answer: I do.) Be seated please."

Prospective juror is questioned first by the Prosecuting Attorney and then by the Defense Attorney.

Sample questions:

State your name, age, and occupation.
Are you acquainted with the defendant or his attorney?
Do you know the facts related to this case?
Have you formed an opinion in this case?
Would you automatically give more weight, or less weight, to a policeman's testimony just because he is a policeman?
Has anyone in your family been a victim of a robbery?
Are you opposed to the death penalty?

Either attorney may challenge a prospective juror for cause, such as:

> Your Honor, I challenge this juror because he is clearly prejudiced against the defendant.

Title: MOCK TRIAL: STATE OF NEW MEXICO V. RANDALL

Unit: Law

Description:

Few activities offer as much opportunity for student involvement and motivation as the mock trial. This trial can be done in two days and teaches a wide variety of skills. Students not only learn about court procedure and criminal law, but they also practice reading, writing, critical thinking, argumentation and group process skills. This trial should be done after students are familiar with fundamentals of the criminal justice system and due process. It can be used after scripted mock trials or pro se courts are done. (See New Mexico Courts: Information and Ideas for Teaching, Department of Education, Santa Fe, for ideas for trials)

Objectives:

1. To develop understanding of judicial procedure.
2. To increase knowledge of criminal acts and their punishments.
3. To enhance communication, group process and critical thinking skills.

New Mexico Basic Skills Objectives:

1. G/L 3A - Know the composition and operation of the judicial branch of government.
2. G/L 3B - Know which acts society deems criminal.
3. G/L 3D - Know an individual's rights when arrested, held, tried, paroled, or pardoned.

Time: Two class periods

Level: Basic to advanced

Materials: Attachment titled "MOCK TRIAL: State of N.M. v. Randall"
Teacher resource: New Mexico Courts: Information and Ideas for Teaching, Department of Education, Santa Fe, 1980

Resource Person: Attorney (recommended)

Procedure:

1. Hand out attachment. Teachers may wish to duplicate trial in larger type. See version in New Mexico Courts.
2. Review the steps in a trial.
3. Read the facts of the case and witness statements with students. With the entire class, discuss arguments against Randall in the case. Discuss the definitions of assault and battery. Then discuss the arguments in defense of Randall and the definition of self-defense.

4. Select (or have students volunteer) 6 prosecutors, 6 defense attorneys, 2 witnesses for the prosecution (James and Arlene), 2 witnesses for the defense (Phillip and defendant Randall), 1 bailiff and 12 jurors. Every student should have a role.
5. Outline the tasks for the prosecution and defense teams as follows:

Prosecution

1. Opening statement
2. Direct examination of James
3. Direct examination of Arlene
4. Cross examination of Phillip
5. Cross examination of Randall
6. Closing statement

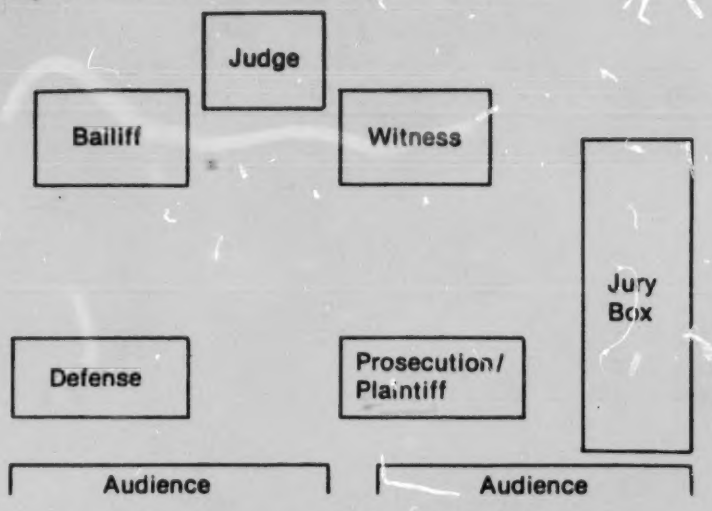
Defense

1. Opening statement
2. Cross examination of James
3. Cross examination of Arlene
4. Direct examination of Phillip
5. Direct examination of Randall
6. Closing statement

6. Review opening statements, questioning of witnesses and closing statements. Have students suggest what might be contained in the direct and cross examination of Randall, for example.
7. Have class prepare the case. Suggest that attorneys and witnesses for each side meet to discuss strategy. Then have attorneys work with their witnesses to prepare questions. If a resource attorney is used, have him/her work with one group while the teacher works with the other. During preparation, have jurors either do other work, or have them work with either team. Students can complete preparation as homework.
8. Conduct a trial. Have resource attorney (or teacher) serve as judge. Invite school administrators or other classes to observe the trial. It can be done in one class period.

Mock Trial Outline: *State v. Randall*

Layout of Classroom



Participants

judge (could be a visitor to class with legal experience)
4-6 prosecutors
4-6 defense attorneys
2 witnesses for the prosecution
2 witnesses for the defense
1 bailiff
jury composed of twelve persons, one of whom should be named jury foreman; alternates may also be designated.

Simplified Steps in a Trial

1. Calling of Case by Bailiff: "All rise. The Court of _____ is now in session. Honorable Judge _____ presiding."

2. Opening Statement: First the prosecutor (criminal cases) or plaintiff's attorney (civil cases), then the defendant's attorney, explain what their evidence will be and what they will try to prove.

3. Prosecution's or Plaintiff's Case: Witnesses are called to testify (direct examination) and other physical evidence is introduced. Each witness called is cross-examined (questioned so as to break down the story or be discredited) by the defense.

4. Defendant's Case: Same as the third step except that defense calls witnesses for direct examination; cross-examination by prosecution/ plaintiff.

5. Closing Statment: An attorney for each side reviews the evidence presented and asks for a decision in his/her favor.

6. Jury Instruction (Jury Trials Only): The judge explains to the jury appropriate rules of law which it is to consider in weighing the evidence. As a general rule, the prosecution (or the plaintiff in a civil case) must meet the burden of proof in order to prevail. In a criminal case this burden is very high. In order that innocent persons do not lose their freedom, the prosecution must set out such a convincing case against the defendant that the jurors believe "beyond a reasonable doubt" that the defendant is guilty. In a civil case, plaintiff has burden of proving his/her case by "a preponderance of the evidence." In most states the entire jury has to be convinced, though a recent Supreme Court case permits 9-3 verdicts in state non-capital criminal cases. Understanding that a unanimous (or 9-3) decision by the jury is required will help students understand why jury deliberations are sometimes so lengthy.

7. Deliberation and Decision: In making a decision, the judge or jury considers the evidence presented and decides which witnesses were most credible.

8. Sentencing (Criminal Trials Only): After a defendant is found

guilty, a study of the defendant's background is usually prepared by a probation officer, who then makes a sentencing recommendation. The judge pronounces sentence.

Facts

James and Arlene go to a night club to have a drink. Randall, who has been drinking, comes up to their table and, saying he knows Arlene, tries to talk to her. James gets angry and asks Randall to leave. An argument takes place and a fight then occurs. The police are called and Randall is arrested for assault on James. Randall claims James caused the fight and he was only defending himself.

Witnesses and Their Statements

For the Prosecution

1. James
2. Arlene

For the Defense

1. Phillip, a waiter in the nightclub
2. Randall

James: "I was just sitting in the place with Arlene, listening to the music, when this guy came up and started bothering her. I asked her if she knew him and she said 'No.' So I told him to split. The man was blind drunk, and he kept bothering my girl. So I stood up and told him to leave before I called the manager on him. About that time he squared off on me and when I turned to walk away he hit me."

Arlene: "I was with my boyfriend, James, at this club when an old friend of mine, Randall, came over to our table. Randall had been drinking, and he grabbed my arm and told me to dance with him. James asked me if I knew him, and I said 'No' because James is very jealous. Then James told Randall to leave before some trouble got started. Randall didn't leave, and James stood up to argue with him. The next thing I knew, they were fighting."

Phillip: "This guy was sitting with this girl when Randall went over to them. I know Randall because he plays in a band here occasionally. Randall had only two drinks. I know because I was waiting on his table. Randall motioned to the girl to dance, and then he held her arm to help her up. The guy she was with got mad and started yelling. Randall smiled and told him to be cool. The guy jumped up and grabbed Randall. Randall hit him back; they really went to it. After that, the cops came."

Randall: "I was at this club, walking around, checking the place out. I saw Arlene. I had been going with her for two years, but I hadn't heard from her for a couple of months. I went over to ask her how she was doing. I had had a couple of drinks, but I wasn't even a little high. I asked her to dance, and the guy with her looked at me funny. I know Arlene well, and I knew she wanted to dance with me, so I took her by the arm. Then this guy sitting with her started to confront me. I told him I didn't want any trouble. Then he jumped up and before I knew it, he grabbed me and hit me."

Jury Instructions

(1) Defining Assault and Battery. Generally, the law holds that assault is an unlawful threat to injure another person, coupled with an ability to do so and a display of force sufficient to make the victim fear immediate harm. ("Unlawful" means either contrary to law or without legal justificiation.) Battery is an unlawful use of force on the physical person of another. Thus the least touching of a person may constitute a battery.

(2) Defining Self-Defense. The law recognizes the right of an individual to defend himself, and he need not wait to do so at his peril. That is, he need not delay his defense until the alleged aggressor has made the first move. The test is reasonableness. If a person has a reasonable fear for his own safety, he may take reasonable—not excessive—steps to defend himself.

Jury Deliberation

Once instructed, the jury deliberates the verdict. They must decide from the evidence whether the prosecution has shown Randall to be guilty beyond a reasonable doubt. The jury foreman writes the verdict on a slip of paper and hands it to the judge who reads it in "open court."

Title: NO VEHICLES IN THE PARK

Unit: Law or Government

Description:

As an introduction to the judicial system, this activity demonstrates how laws are interpreted. It also demonstrates that laws must be specific in order to be good laws. It can also be used when studying the legislative process or when examining how to write an effective law.

Objectives:

1. To increase ability to interpret a law.
2. To build awareness of the necessity of applying the law to different cases in a consistent way.
3. To be able to recognize and write effective laws.
4. To reinforce reasoning skills.

New Mexico Basic Skills Objective:

No corresponding objective, but the conceptual framework of this activity is fundamental to an understanding of the role of law in society.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "No Vehicles in the Park"

Procedure:

1. Hand out attachment and read introduction with students.
2. Divide students into groups of four to five. Explain that each group should examine each case and decide whether there has been a violation of the law. They must keep in mind the letter and spirit of the law. Explain these terms. Tell the students that their decisions must be consistent.
3. About halfway through the exercise, students might complain that the law is too vague and that decisions are difficult to make. Tell students that they may rewrite the law so that it is easier to interpret.
4. Put a grid on the board to record the decisions of each group. List the numbers of the cases on the horizontal axis and the student group numbers on the vertical axis.
5. Ask each group to give its decisions about each case, examining one case at a time. Students must give reasons for their decisions.
6. Ask each group how they worded their new law if they wrote one.

ATTACHMENT

NO VEHICLES IN THE PARK

The town of Beautifica has established a lovely park in the city. The city council wished to preserve some elements of nature, undisturbed by city noise, traffic, pollution, and crowding. It is a place where citizens can go and find grass, trees, flowers, and quiet. In addition, there are playgrounds and picnic areas. At all entrances to the park the following sign has been posted:

NO VEHICLES IN THE PARK

The law seems clear but some disputes have arisen over the interpretation of the law. Interpret the law in the following cases, keeping in mind the letter of the law as well as the intent of the law.

---

1. John Smith lives on one side of the town and works on the other side. He will save 10 minutes if he drives through the park.

2. There are many trash barrels in the park so that people may deposit all litter there, thereby keeping the park clean. The sanitation department wants to go in to collect the trash.

3. Two police cars are chasing a suspected bank robber. If one cuts through the park, he can get in front of the suspect's car and trap him between the patrol cars.

4. An ambulance has a dying car accident victim in it and is racing to the hospital. The shortest route is through the park.

5. Some of the children who visit the park want to ride their bicycles there.

6. Mrs. Thomas wants to take her baby to the park in his baby buggy.

7. A monument of the town's citizens who died in the Vietnam War is being constructed. A tank, donated by the government, is to be placed beside the monument.

8. Several of the town's citizens have made a living for several years by driving people around scenic spots in the city in an old-fashioned horse and buggy. They want to drive people through the park.

Title: STARTING FROM SCRATCH

Unit: Government or Law

Description:

Variations of this exciting simulation are often used to give students first-hand experience in creating laws for a mini-society. It allows them to explore concepts of the need for law, and procedure, and gives them an opportunity to create a societal structure which will ensure survival. This activity can be used either at the start or completion of units in law or government.

Objectives:

1. To understand the need for law.
2. To develop the ability to establish procedures for creating laws.
3. To develop the ability to establish prodecures for enforcing laws.
4. To develop appreciation for the rule of law.
5. To enhance group process skills.

New Mexico Basic Skills Objective:

G/L Goal- To understand how the structures of government and the functions of the legal system delineate rights and obligations.

Time: One and one-half to two class periods

Level: Regular to advanced

Materials: Attachment entitled "Starting From Scratch"
Poster Board or Butcher Paper

Procedure:

1. Hand out attachment and read it to the class.
2. Divide the class into 2 groups. Have each group work in separate areas of the room. Explain that each group will play the roles of the surviving group of campers. They must organize their mini-society for survival creating a structure for self-government, law, and economics survival. Instruct the groups to create structures for solving the problems listed on the attachment. Suggest that the groups establish committees for doing this.
3. Make available about 10 pieces of poster board or butcher paper for each group. As groups work, have them record their decisions and procedures on the paper and tape it to the wall in their area of the room.
4. Allow the rest of the class period for group work.
5. Part or all of the next class period should be used to have each group report on their solutions to their problems.

6. Debrief the activity by discussing questions such as the following:

   (1) What were the similarities and differences of each group's approach to the problem?
   (2) How cooperatively did the groups function? Did one or several students emerge as leaders?
   (3) How did the groups decide on solutions to the problems? What was the procedure for decision-making? Were committees established to make recommendations for the entire group to vote on? Did the group establish a majority rule procedure?
   (4) Why were group members willing to cooperate?

STARTING FROM SCRATCH

The year is 1989. You and a group of your friends are camping in the mountains near Washington, D.C. You are deep in the mountains, cut off from civilization, sleeping in a cave. You have all the equipment hikers and campers normally have - knife, hatchet, matches, rope and string, some cooking utensils, and other tools, and enough food for two weeks. There are wild animals around, so there is one gun in the group.

Suddenly, cutting into the stillness of your vacation - a tremendous flash, a thunderous roar, from the direction of our nation's capitol - a nuclear attack has taken place, destroying our government. When the air has settled, you find you cannot hear any stations broadcasting on the radio. You know there are no other people near your camp. You know the area around Washington will be dangerously polluted by radiation. What are you going to do?

These are problems you will need to consider. Set up committees to create solutions for them.

1. How will your mini-society govern itself? Set up a procedure for group decision-making.

2. Find a permanent supply of food and water and set up a system for acquiring and distributing food and water.

3. Set up a system of rules which each person must follow. What rights does each person have? How will these rules be established?

4. Set up a system for enforcing these rules. What will be the penalties for violating these rules?

Title: CLAIM YOUR POWERS

Unit: Government

Description:

Students usually understand the idea of separation of powers but often have difficulty in remembering the role of each branch. This exciting game will give students an opportunity to reinforce their knowledge of the powers of each branch and at the same time will make a review of the first three Articles of the Constitution enjoyable.

Objectives:

1. To reinforce the distinctions among the three branches of government.
2. To increase understanding of the powers of each branch of government.
3. To enhance reading, listening and critical thinking skills.

New Mexico Basic Skills Objectives:

1. G/L 1B - Composition and operation of the executive branch of government.
2. G/L 1C - Relationships between and among the three branches of government.

Time: One class period

Level: Basic (with close guidance) to advanced

Materials: Attachments 1 and 2 titled "Situations" & "Scoring Sheet"
3 reversable signs with "CLAIM and "DO NOT CLAIM" written on opposite sides
Class set of U.S. Constitutions

Procedure:

1. Divide class into three groups representing the executive, legislative and judicial branches of government.
2. Provide each student with a copy of the U.S. Constitution.
3. Give each group a sign with "CLAIM" and "DO NOT CLAIM" written on opposite sides.
4. Explain that the purpose of this game is to review the first three articles of the Constitution.
5. For the first 10 minutes, have the legislative group review Article I, the executive group Article II, and the judicial group Article III. Each group should note the powers given to its branch during this review. If the groups come across powers given to another branch in the articles they are assigned, they should inform the other groups.
6. Next, tell the class that they will hear a series of situations, each involving a power of one or more branches of government. After each situation is read, allow groups one minute to

discuss the situation and refer to the Articles to decide if the power resides with their branches of government.

7. Then read the situation again and say "Claim your powers". Each group must hold up its sign to show "CLAIM" or "DO NOT CLAIM". Ask each group to explain the reasons for their decision or support it with a quote from the Articles.
8. Record the scores for each situation on the board by duplicating the grid on Attachment 2.
9. Explain that scoring will be as follows:
    a. Two points will be given for correctly claiming and justifying the claim of a power.
    b. One point will be given for correctly voting <u>not</u> to claim a power.
    c. A zero will be given to a group incorrectly claiming or not claiming a power.
    d. At the end of the game give a one point bonus for each power that one group informed another of during the 10 minute review.

ATTACHMENT 1

SITUATIONS

a. A bill is being considered requiring automobile manufacturers to install seat belts in all new cars.

b. A case is being appealed from the Texas Supreme Court.

c. The United States needs an ambassador to Argentina.

d. There is a vacancy on the Supreme Court and a new justice must be appointed.

e. The United States has decided to recognize the new Republic of Xanadu.

f. The state of Arizona is suing California over water rights.

g. The army wants more money for tanks.

h. A law recently passed by the state of Louisiana has been challenged as being unconstitutional.

i. Ralph Z. has been charged with a federal crime of transporting stolen automobiles from Texas to Oklahoma.

j. Impeachment proceedings have been brought against the president.

k. A bill is being vetoed.

l. A State of the Union message is being prepared.

m. An ambassador from a foreign country has been arrested.

n. A law is declared null and void.

o. War is declared on Transylvania.

p. A federal income tax rebate is being considered.

q. A treaty with a foreign country to import oil is being negotiated.

r. A case has arisen over a collision between a U.S. naval vessel and a privately-owned freighter.

s. There is a dispute over land between two Indian tribes who claim the land was given to each of them under separate treaties.

From Law in a Changing Society, Dallas, Texas, Used with permission.

SCORING SHEET

SITUATION	BRANCH					
	Judicial		Executive		Legislative	
	C	NC	C	NC	C	NC
a.		1	2		2	
b.	2			1		1
c.		1	2		2	
d.		1	2		2	
e.		1	2			1
f.	2			1		1
g.		1	2		2	
h.	2			1		1
i.	2			1		1
j.		1		1	2	
k.		1	2			1
l.		1	2			1
m.	2			1		1
n.	2			1		1
o.		1		1	2	
p.		1		1	2	
q.		1	2		2	
r.	2			1		1
s.	2			1		1

BONUS POINTS

Situation:

b. Give the legislative 3 bonus points if it claims this power and gives as its reason its power of impeachment.

i. Give the executive branch 3 points if it claims this power and gives as its reason the power to enforce laws. (The FBI would probably arrest Ralph Z.)

j. Give the judicial branch 3 bonus points if it claims this power and gives as its reason that a justice presides during the trial.

NOTE: There are other possible bonus-point situations. If students suggest other reasonable claims to a power, award points accordingly. Since this might throw off the equal sums for each branch (30 possible for each as currently wirtten and scored), the groups could be told that the winner will be the group which comes closest to its total possible points.

Title: THE CABINET GAME

Unit: Government

Description:

This game is a motivating way to reinforce the functions of the cabinet departments of the executive branch. It can be used when studying about the executive branch.

Objectives:

1. To reinforce knowledge of the departments in the executive cabinet.
2. To increase awareness of the functions of the cabinet offices.

New Mexico Basic Skills Objective:

G/L 1B - Know about the composition and operation of the executive branch of government.

Time: One class period

Level: Basic to advanced

Materials: Attachments 1 and 2 titled "Clues" and "Answers"

Procedure:

1. Before class reproduce 3 copies of Attachment 1. Cut apart the clues on Attachment 1 so that there are three sets of clues.
2. Also reproduce 13 copies of Attachment 2.
3. Explain to the students that they will be playing a game that will test their knowledge of the functions of each department of the cabinet.
4. Select 13 students, each to represent a secretary of each department of the cabinet. Place these students in a row of desks along one side of the room. Have each student make a sign (or make the signs before class) to indicate his/her cabinet department. Signs should be taped in front of desks. The departments are as follows:

    a. Labor
    b. State
    c. Treasury
    d. Defense
    e. Commerce
    f. Transportation
    g. Health and Human Services
    h. Housing and Urban Development
    i. Education
    j. Energy
    k. Agriculture
    l. Interior
    m. Justice

5. Distribute a copy of Attachment 2 to each cabinet secretary.

6. Divide the rest of the class into 3 teams. Set up a station (use a desk) for each team and place a stack of clues at each of the 3 stations.
7. Instruct the students as follows:
    a. Each student should take a clue from the top of the stack.
    b. Read the clue and report to the department that the clue describes. The department secretary then checks the answer sheet to see if the clue matches the department.
    c. If the student is correct, the department secretary will award the team 5 points and record it on the tally sheet. The student should return to the station, get another clue, and repeat the process.
    d. If a student reports to the wrong department, the secretary marks -3 points on his/her tally sheet. The student keeps the clue and tries to report to the correct department. He/She will then be awarded 5 points.
    e. The game terminates when the teams have finished all their clues.
8. To determine the winner, make a grid like the one on Attachment 2 on the blackboard. Have each secretary read off the points under "correct match" and "no match" for each team. Total the points to find the winner.

THE CABINET GAME

CLUES

1.

Our ambassadors are here.

2.

They manage the money of the nation.

3.

Over a million people work here, some in the military and some not; they defend the country in time of war.

4.

The Attorney General is the head of this department.

5.

The National Park Service is here.

6.

This department helps farmers.

7.

This department helps businesses.

8.

This department enforces the minimum wage law.

9.

The Food and Drug Administration is in this department.

10.

This department helps schools.

11.

This department provides money for towns to build low income housing.

12.

This department helps control the rules for airline safety.

13.
This department encourages us to conserve gas.

14.
The Internal Revenue Service is in this department.

15.
This department represents the U.S. government in legal cases.

16.
This department directs the food stamp program.

17.
This department counts the number of people in the United States every 10 years through its Census Bureau.

18.
This department inspects places where people work to make sure they are safe.

19.
The Social Security Administration is in this department.

20.
This department can decide how much you pay for a train ride.

21.
This department includes the Secret Service, to protect the President.

22.
The Federal Bureau of Investigation is in this department.

23.
The National Weather Service is in this department.

24.
This department helps decide what land should be set aside as wilderness.

25.
This department enforces laws concerning air pollution.

THE CABINET GAME

ANSWERS

DEPARTMENT OF DEFENSE
Over a million people work here, some in the military, some not; they defend the nation in time of war.

DEPARTMENT OF LABOR
1. This department inspects places where people work to make sure they are safe.
2. This department enforces the minimum wage law.

DEPARTMENT OF AGRICULTURE
1. This department directs the food stamp program.
2. This department helps farmers.

DEPARTMENT OF JUSTICE
1. The Attorney General is head of this department.
2. The Federal Bureau of Investigation is in this department.
3. This department represents the U.S. government in legal cases.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
This department provides money for towns to build low-income housing.

DEPARTMENT OF HEALTH AND HUMAN SERVICES
1. The Food and Drug Administration is in this department.
2. The Social Security Administration is in this department.

DEPARTMENT OF STATE
Our ambassadors are here.

DEPARTMENT OF COMMERCE
1. This department helps businesses.
2. The National Weather Service is in this department.
3. This department counts the number of people in the United States every 10 years through its Census Bureau.

DEPARTMENT OF ENERGY
This department encourages us to conserve gas.

DEPARTMENT OF EDUCATION
This department helps schools.

DEPARTMENT OF THE TREASURY
1. The Internal Revenue Service is in this department.
2. They manage the money of the nation.
3. This department includes the Secret Service to protect the President.

DEPARTMENT OF THE INTERIOR

1. The National Park Service is here.
2. This department enforces laws concerning air pollution.
3. This department helps decide what land should be set aside as wilderness.

DEPARTMENT OF TRANSPORTATION

1. This department can decide how much you pay for a train ride.
2. This department helps control the rules for airline safety.

TALLIES

	TEAM A	TEAM B	TEAM C
CORRECT MATCH (+5 pts.)			
NO MATCH (-3 pts.)			
TOTAL			

Title: HOW TO... A COMMUNITY RESEARCH PROJECT IN THE STRUCTURE AND FUNCTION OF GOVERNMENT

Unit: Government

Description:

In studying the structure and function of government, it is crucial that students make the transition from textbook to community. This extensive community project puts students to the task of researching a variety of problems which will allow them to learn first-hand the functions of government agencies. Students will do research by phone, mail or personal visit, and present reports to the entire class. Students may then compile their information into a "How To" booklet for distribution or sale as a community service project.

Objectives:

1. To increase familiarity with structure and function of government agencies at federal, state and local levels.
2. To increase understanding of the degree to which governmental regulations encompass personal lives of citizens.
3. To become aware of range of governmental services available to citizens.
4. To experience first-hand encounters with government officials.
5. To enhance communication skills.

New Mexico Basic Skills Objective:

G/L 1 - The individual should understand the structure and function of the federal government.

Time: One and one-half to two class periods plus out-of-class time

Level: Regular to advanced

Materials: Attachment entitled "How To"
Telephone directories (local, Albuquerque and Santa Fe)
State of New Mexico Telephone Directory
(this directory of state agencies can be obtained at no cost from Telecommunications Bureau, Education Building - Room B-19, Santa Fe, New Mexico 87503, Phone (505) 827-2011.)

Procedure:

1. Inform students that they will be participating in a kind of governmental scavenger hunt. Hand out the attachment and read through the problems that the class will collectively solve.
2. Pair up the students and assign one set of problems to each pair.

3. To assist students with ways of solving problems, take one of the problems and discuss with the class how it might be solved. Ask them what agencies might be able to help.
4. Make available phone books and copies of the State of New Mexico Telephone Directory for in-class use.
5. Students might need to visit the school library and have access to a telephone at school for local calls.
6. In their research, students might need to write letters of inquiry or make appointments to visit agencies. Assist them in these procedures. Student research should procede out of class after the first day.
7. After students have solved the problems, have each pair give a 5 minute report to the class. Have them include the following information:
   a. A chronology of how the problem was solved, including the agencies contacted and ways in which they conducted research.
   b. The answers to the problems.
8. As a follow-up project, the students might want to compile the data they have collected into a "How To" booklet for the community.

HOW TO

Students should work in pairs to solve the following "How To" problems. Each pair should take one set of problems.

Federal Level - how to...

1. become a citizen of the United States
   obtain a passport
   obtain food stamps

2. get a patent for a new invention
   obtain governmental help with a federal tax form
   obtain free legal assistance

3. find which species of animals are protected by law
   find the current minimum wage
   find federally approved low-income housing

4. obtain social security benefits
   find if a particular food ingredient is approved for use
   find if a car meets safety standards

State Level - how to...

5. file a complaint of sex discrimination
   file for worker's compensation
   obtain welfare

6. file a complaint of racial discrimination
   file a consumer complaint
   apply for unemployment compensation

7. run for state legislature
   obtain schooling for the mentally retarded
   seek help for drug rehabilitation

8. obtain information on inheritance taxes
   obtain benefits for veterans
   find which laws govern the hiring of minors

9. find which laws govern horse racing
   find restrictions governing hunting and fishing
   transfer the title of a car

Local Level - how to...

10. use magistrate/metropolitan court
    obtain free mental and dental care
    file a complaint against a landlord

11. obtain a marriage license
    obtain a divorce
    post bond

12. register a complaint against a police officer
    get a building permit
    get a car back after it is impounded

13. determine the boundaries of a piece of property
    declare bankruptcy
    register to vote

14. settle an estate when no will was left
    trace the owners of a particular piece of property
    adopt a child

15. obtain help for an abused child
    check a credit rating
    run for school board

Adapted from:
Blaza, Jeffrey and Diane Schempp, "Studying Government Through Practical Community Encounters," Social Education, February, 1978. pp.146-147.

Title: WHAT MAKES A GOOD MEMBER OF CONGRESS?

Unit: Government

Description:

The Constitution set forth some basic qualifications for members of Congress. However, the public tends to have in mind other, unwritten qualifications. This activity allows students to examine so-called formal and informal rules for being elected to Congress and to rank what they believe are important characteristics for Congress people. This activity may be used as an introduction to decision-makers.

Objectives:

1. To establish a firm knowledge of the written or formal requirements for members of Congress.
2. To learn distinctions between formal and informal qualifications for office.
3. To heighten inquiry about who runs the government and why.
4. To increase familiarity with actual members of Congress.
5. To strengthen critical thinking and values calrification skills.

New Mexico Basic Skills Objectives:

G/L 1A - Know the composition and operation of both houses of Congress.

Time: One class period or more, plus out of class time

Level: Basic to advanced

Materials: Attachments 1 & 2 entitled "What Makes a Good Member of Congress?"
Magazine pictures of various adults (see below)
Copy of constitutional requirements for office

Procedure:

1. (optional) Prepare a collection of pictures of people from magazines, newspapers, etc., showing people of various ages, sex, races, dress. Number the pictures. These can be made into a collage or bulletin board display. Have students examine the pictures and decide just from looking at pictures, which types of people would be most likely to be elected to Congress. Discuss the reasons for their decisions.
2. Hand out Attachment 1 and have students complete it (make sure they understand vocabulary). Have students suggest other characteristics. Discuss characteristics most students chose as essential and desirable.
3. Hand out Attachment 2. Make available the constitutional requirements for running for Congress and have students fill out Part A.

4. Have students consider the informal rules for members of Congress suggested in Part B. List the informal rules on the board and have students discuss and agree upon what characteristics most often describe actual members of Congress. Record them on the board and have students record these in their notebooks.
5. Then ask students to select one of New Mexico's members of Congress to see how closely he/she fits with the informal rules for members of Congress. Reference materials will be needed on New Mexico's Congressional members. (This might be done as homework.)
6. Have students compare the characteristics of their Congress people with the informal rules. Discuss with students what kind of appeal these representatives have with voters, who holds power in the government, and why.

ATTACHMENT 1

WHAT MAKES A GOOD MEMBER OF CONGRESS?

What qualities should a member of Congress possess? What attitudes? What personality characteristics? What values? The following list offers some possible characteristics to consider. Categorize them under the four headings in the chart below.

male	conservative	business background
female	votes conscience	clear speaking voice
liberal	listens to others	under 50 years of age
handsome	follows party line	supports special interests
radical	over-achiever	under 40 years of age
Democrat	good attendance record	supports women's rights
Republican	opposes welfare	follows constituents' desires
Independent	supports integration	answers letters from constituents
Protestant	supports abortion	opposes foreign aid to dictators
Irish	middle-of-the-roader	member of a minority group
humble	good campaigner	opposes increased government spending
intelligent	political experience	supports strong national defense program
millionaire	college graduate	supports aid to education
patient	aggressive lawyer	

ESSENTIAL	DESIRABLE	UNDESIRABLE	UNNECESSARY

ATTACHMENT 2

INVESTIGATION OF HOW RULES ON CONGRESSIONAL RECRUITMENT APPLY TO SOME PARTICULAR MEMBER OF CONGRESS

Directions: Your task is to test the categories relating to formal and informal recruitment rules against one of the current members of Congress. Select one Congressman or Senator, find his/her biography in the Congressional Directory or other reference books, and decide how the categories fit the man or woman you have selected. Fill as many answer spaces as possible.

Person selected: _____

A. Formal rules

1. Age: _____
2. Citizenship: _____
3. Residence: _____

B. Informal rules

1. Sex status: _____
2. Race: _____
3. Religious affiliation: _____
4. Education: _____

_____

5. Socioeconomic status: _____

_____

6. Occupational background: _____

_____

7. Political experience: _____

_____

_____

8. Joiner: _____

_____

_____

Which of the informal rules for recruitment to Congress seem not to apply to your member of Congress? _____

_____

On the back of this worksheet try to explain why this person won election in spite of not fitting some of the informal rules.

Title: MOCK LEGISLATURE

Unit: Government

Description:

Many teachers conduct a mock legislature to illustrate how a bill becomes a law. This version is useful in a crowded curriculum because it can be done in one or two class periods if desired. It is written for a state legislature but can be adapted for a model Congress. Suggestions for federal bills are provided.

Objectives:

1. To reinforce knowledge of the legislative process.
2. To enhance group process and reasoning skills.

New Mexico Basic Skills Objective:

G/L 1A - To know the composition and operation of both houses of Congress.

Time: One or more class periods

Level: Basic to advanced

Materials: Attachments 1, 2, and 3 "Mock Legislature" "Bills to Be Considered"
2 staplers
Signs for each legislative committee
Tags for Speaker of the House, President of the Senate, and tags for Senators and Representatives if desired

Procedure:

The procedure described is for the one-day activity. Teachers can expand the activity by having students research and/or write their own bills.

1. Prior to class, cut the bills on Attachment 1 in preparation for distribution to the House and Senate. Duplicate copies of Attachment 2 for each student.
2. Review with the class the procedures for passage of a bill.
3. Divide the class into 2 groups, one representing the House of Representatives and the other the Senate. (Assign more students to the House and explain why) Group desks accordingly.
4. Within each group, assign students to committees as follows:

Senate:	House:
Education	Education
Public Affairs	Public Affairs
Finance	Taxation and Revenue
Conservation	Natural Resources
Corporations	Labor

Hand out committee signs to designated committee members.

5. Have the House select a Speaker and the teacher should appoint a President of the Senate since the Lt. Governor, elected by the people of the state, will serve as the Senate President. Distribute the appropriate tags.
6. Distribute Attachment 2 to all students and give extra copies to the President and Speaker. Then give the Senate bills to the President of the Senate and the House bills to the Speaker of the House. Instruct each of them to read out the title of every bill and have the groups decide which committees the bills should go to. Have the President and the Speaker staple each bill to a copy of Attachment 2 and give it to the appropriate committee.
7. Once all bills have been assigned, have students break into committees to consider their bills. Have each committee fill out reasons for and against passage and take a committee vote.
8. Have House and Senate reconvene to report on their bills and take full House and Senate votes (simple majority).
9. Bills which have been passed by each group should be sent to the other group.
10. Repeat steps 6,7,8, and 9.
11. Finally, have the President of the Senate and the Speaker of the House present bills which have passed both houses to the governor (the teacher). The governor can sign or veto the bills.
12. If time allows, have vetoed bills sent back to the appropriate house to see if enough votes can be obtained to overturn the veto. (two-thirds majority)
13. Attachment 3 is a list of suggestions for bills to be considered if the game is to be used as a mock Congress at the Federal level.

MOCK LEGISLATURE

---

a.

BILL NUMBER: House of Representatives Bill #57, HB57
TITLE: A Bill to Allow Prayers to Be Said in Public Schools
THE BILL: Prayers will be allowed in public schools as long as no students are forced to participate in saying or listening to them.

---

b.

BILL NUMBER: House of Representatives Bill #68, HB68
TITLE: A Bill to Prohibit the Sale of Any Handguns
THE BILL: No one shall be allowed to own a pistol or any other handgun for any reason. Rifles for hunting will be allowed but persons wishing to own a rifle must apply to the state for permission to have one.

---

c.

BILL NUMBER: House of Representatives Bill #75, HB75
TITLE: A Bill to Allow the Burial of Nuclear Waste Material in the State of New Mexico
THE BILL: Nuclear waste material shall be allowed to be buried in the salt beds near Carlsbad provided the states from which the waste comes will pay the state of New Mexico a fee of $1,000,000 a year to help with the building and up keep of the burial site, and provided that New Mexico owned corporations are the builders of the site.

---

d.

BILL NUMBER: House of Representatives Bill #79, HB79
TITLE: A Bill to Allow the Death Penalty in Cases Where a Law Enforcement Officer has Been Killed
THE BILL: The penalty of death shall be the only acceptable sentence in cases where a defendant has been convicted of killing a member of the law enforcement agencies of the city, county, or state.

---

e.

BILL NUMBER: House of Representatives Bill #27, HB27
TITLE: A bill to Raise Taxes to Provide More Money for Schools
THE BILL: State Taxes shall be raised at a rate of 1¢ per dollar. The money given to the state shall be given to the schools depending on which schools have the greatest need.

f.

BILL NUMBER: House of Representatives Bill #35, HB35
TITLE: A Bill to Change the Use of State Land
THE BILL: 100,000 acres of state land which has been used as wilderness areas only shall now be re-classified so that the coal resources found in the land can be mined.

---

g.

BILL NUMBER: Senate Bill #35, SB35
TITLE: A Bill to Create a State Park
THE BILL: 25,000 acres in the Silver City area will be designated a state park and no further housing development will be allowed in this area.

---

h.

BILL NUMBER: Senate Bill #27, SB27
TITLE: A Bill to Increase Fines for Speeding
THE BILL: Motorists caught exceeding the 55mph speed limit will now have to pay a fine of $20 for each mile-per-hour over the 55mph limit.

---

i.

BILL NUMBER: Senate Bill #43, SB43
TITLE: A Bill to Legalize the Sale of Marijuana
THE BILL: The sale and possession of marijuana to persons 18 years old and older shall be legal.

---

j.

BILL NUMBER: Senate Bill #49, SB49
TITLE: A Bill to Raise the Age for Obtaining a Driver's License
THE BILL: The age for obtaining a driver's license shall be raised from 16 to 18 years of age. The age for obtaining a permit shall be raised to 17 years of age.

---

k.

BILL NUMBER: Senate Bill #53, SB53
TITLE: A Bill to Raise the Minimum Wage
THE BILL: The minimum wage paid to workers of privately owned companies in the state shall be raised to $3.40 an hour.

ATTACHMENT 2

BILL NUMBER:

TITLE:

THE BILL:

REFERRED TO _____ COMMITTEE

REASONS FOR PASSING THE BILL:

1. _____
2. _____
3. _____

REASONS AGAINST PASSING THE BILL:

1. _____
2. _____
3. _____

COMMITTEE DECISION ON THE BILL: _____

HOUSE DECISION ON THE BILL: _____

_____

SECOND HOUSE ACTION ON THE BILL

REFERRED TO _____ COMMITTEE

ADDITIONAL REASONS FOR PASSING THE BILL (if any): _____

_____

ADDITIONAL REASONS AGAINST PASSING THE BILL (if any): _____

_____

COMMITTEE DECISION ON THE BILL: _____

SECOND HOUSE DECISION ON THE BILL: _____

_____

GOVERNOR'S DECISION ON THE BILL: _____

_____

OVERTURNING A VETO

FIRST HOUSE DECISION ON THE BILL: _____

SECOND HOUSE DECISION ON THE BILL: _____

BILLS TO BE CONSIDERED

1. A bill to reduce the oil, mineral, and coal depletion allowances, which would reduce the tax break to oil, mining and mineral producers.

2. A decision of where to locate a major federal military installation narrowed down to four regions, Southwest, Mid-Atlantic, West Coast, or New England. This will mean jobs and related development to whichever region secures the project.

3. A bill to allow increased private development (lumber, mining, resorts, etc.) of public lands instead of preserving for public recreational uses at high costs.

4. A bill to reform the tax laws and to close the loopholes presently favored by business, investors, and the very wealthy.

5. A bill to revise the laws regulating drug labeling. The specific proposal would require labeling by generic names as well as trade names so that consumers can choose the least expensive medicine they need.

6. The Armed Services and the Defense Department annual spending bill is being considered. Proposal is to increase the level from last year and to develop new rockets and bombers.

7. A bill to appropriate money for a massive mass transportation system in the nation's urban areas to include hi-speed subways and mono-rails and to take the necessary funds from highway construction.

8. A bill to increase the minimum wage to $3.50 per hour and to extend its coverage to all workers including sales and farmworkers.

9. A major education bill at all levels from early childhood to college is being considered. It would provide federal assistance to all districts but would be heavily weighted toward urban and poor districts. It is supported by civil rights and education groups.

10. The Housing and Urban Development appropriation would increase drastically the level of federal aid to urban areas for housing and related developments. The money would go to municipal governments with an increased requirement for citizen participation in policy decisions similar to Model Cities.

11. The Health and Welfare appropriation which would institute a guaranteed income level for all Americans unable to work and provide government jobs where needed.

12. A bill to limit all federal spending to the present level which would therefore not allow proposals 9-11 to be enacted or funded this year.

13. A bill to increase funding for the Law Enforcement Assistance Administration and to increase the share to rural and suburban areas.

14. A bill to decrease the farm subsidy allowance available to any single farmer or farming corporation. The maximum anyone could receive would be $100,000 a year.

15. A bill to make lobbyists publicly identify themselves and their clients and record all meetings with legislators.

16. A bill to require all congressmen to reveal their financial and business holdings at least once a year and to report all income and investments.

17. A bill to fund presidential and congressional campaign expenses from the public treasury based on major party votes in the previous election.

18. A bill to raise the salary and expense accounts for congressmen effective next session.

19. A bill to regulate the sale of firearms including hand guns and rifles by strict registration procedures with a "need to have" proviso.

20. A bill to increase off shore drilling for oil, increase size of tankers, and recude the regulations on strip mining presently in effect.

Title: LOBBYING SIMULATION

Unit: Government

Description:

This is a lobbying simulation in which students play the roles of legislators and lobbyists. It can be used after a discussion on the role of lobbyists in the legislative decision-making process.

Objectives:

1. To enable students to understand the role and techniques of lobbyists.
2. To enhance students' skills at persuasion and argument.
3. To develop an appreciation for other points of view.

New Mexico Basic Skills Objective:

G/L 2C - Understand how the individual can try to influence his or her representatives.

Time: One-half to one class period

Level: Low regular to advanced

Materials: Attachment entitled "Lobbying Simulation"

Procedure:

1. Divide the class into groups of three. Students in each group should be assigned the roles of legislator, lobbyist and observer.
2. Explain to students that the lobbyist represents a group called Citizens for Equitable Educational Funding and is a supporter of Bill #402 which will provide more money to local school districts. The legislator has not yet made up his/her mind on how to vote. Tell the students who are playing lobbyists to a) be calm and poised; b) be polite, and c) be factual.
3. Hand out the attachment and tell students to use the sample dialogue as a guide for their simulation.
4. You can have the entire class generate a list of reasons for and against the bill to assist students in preparing their roles.
5. Instruct observers to take notes on the substance and manner of presentation of the lobbyists' arguments and the responses of the legislators.
6. Give students 5 minutes to prepare roles. Conduct simultaneous simulations of the groups of 3 for 5 minutes. If there is time you can have the lobbyists and legislators reverse roles.
7. For the debriefing, ask the observers from each group to report what happened. Follow-up questions can include:
   1. Were legislators convinced by lobbyist arguments?
   2. What are some characteristics of a good lobbyist?

a. lobbyist should give proper identification and introduction
b. lobbyist should present facts rather than emotional arguments
c. lobbyist should know legislator's background and voting record

3. Would those students playing roles of lobbyists feel more confident to contact a real legislator about an issue?

4. Are there issues which students would like to contact their representatives about? What are they?

LOBBYING SIMULATION

This is a sample of the dialogue you will act out between the lobbyist and the legislator.

Lobbyist: Makes introductory comments. Observers should take notes on whether or not lebbyist makes a proper introduction, explains his/her position factually and adequately, adknowledges the legislator's status.

"Hello, Representative Jones? I am from your district. I'm working with Citizens for Equitable Educational Funding and support the Bill #402 to provide more money to local school districts. May I have your views?"

Legislator: "I appreciate your calling and sharing your views. I have concerns on the total cost of the bill to taxpayers and haven't made up my mind. How many members are in your group, and what facts do you have in support of your position."

Dialogue should be allowed to continue while lobbyist provides information and legislator keeps asking questions.

Lobbyist: "Since we agree that adequate and equitable school funding is certainly necessary, Representative Jones, what recommendations would you make as to whom I should contact to gain support for the bill?"

Legislator: "The Speaker of the Legislature and the Chair of the Education Committee should certainly be contacted."

Observers should report on:

How confident was each player?

What were the key arguments of each player?

What other points might have been given?

Adapted from Government: The Decision Making Process, Institute for Political and Legal Education, Sewell, New Jersey.

Title: THE VOTING GAME

Unit: Government

Description:

This is a simulated election but not everyone will have an opportunity to vote. Students will take roles of voters who represent a cross-section of the American public, and whose voting trends will parallel actual voting statistics in general elections. This activity will give students a chance to discuss why people do or do not vote, and to examine statistics which demonstrate that a surprisingly small percentage of the population actually elects a winning candidate.

Objectives:

1. To increase knowledge of the individual's role in the electoral process.
2. To increase awareness of the need for citizen participation in the electoral process.
3. To enhance computation skills.

New Mexico Basic Skills Objective:

G/L 2A - Know about the electoral process and the individual's role in it.

Time: One class period

Level: Basic to advanced

Materials: Voter role cards on Attachment 1 should be cut apart and one distributed to each student
Copies of Attachment 2 and 3 for each student
2 mock voting booths (these can simply be 2 desks set up at one corner of the room)
2 cardboard boxes, one for each desk

Procedure:

1. Explain that the students will participate in a mock election.
2. Hand out one voter role card from Attachment 1 to each student. Explain that the role card describes what they are to do in this election. If the role card instructs them to remain in their seats, they must not vote. If the role card specifies the candidate they will vote for, they must do so. If the role card leaves the decision to them, they must vote for a candidate consistent with the information on the role card.
3. Two of the voters, #30 and #31, are also poll workers. Make sure that these two cards are distributed. Ask these two students to report to the polling booths. Each will be stationed behind a desk. Have them vote first.

4. Then announce that the polls are open. Have students write the name of their candidates on scraps of paper, report to a booth, and put them in the box.
5. When voting is completed, announce that the polls are closed.
6. Give a copy of Attachment 2 to the poll workers and have them tabulate the number of votes each candidate received.
7. Distribute Attachments 2 and 3 to the rest of the class and duplicate them on the board.
8. Have the poll workers put the tallies on the board. Then as a class figure out the percentage of the total vote each candidate received.
9. Then as a class do an analysis of the voting by completing Attachment 3. For this you will have to ask the class how many were registered, and how many of those actually voted.
10. From the simulation and the data, discuss questions like the following:

    (1) What were some of the reasons why some eligible voters didn't register? Why registered voters didn't vote?
    (2) What were some of the reasons why some voters were uncertain about whom to vote for?
    (3) Ask students who were not allowed to go to the polls how they felt. Did this exercise change their attitudes about voting?
    (4) What percentage of the class voting population actually elected the winning candidate? (Point out that this statistic closely parallels actual elections)
    Can a president really claim to have the mandate of the people with such a small percentage of the population having elected him? What does this mean for a democracy?
    (5) Are people justified in not voting if they do so because there are no candidates they can support?
    (6) What are possible alternatives for voter apathy or cynicism?

ATTACHMENT 1

THE VOTING GAME

Hand out cards to each member of the class. Have each student follow directions on the cards. Appoint 2 poll workers who will be responsible for taking votes and tabulating them.

Voter Cards:

1. You are a registered voter and were planning to vote for the Republican candidate but your babysitter didn't show up so you cannot leave the house. Remain in your seat.

---

2. You are a registered voter but you do not like either the Democratic or Republican candidate. You decide to vote for the Third Party candidate. Go to the polls.

---

3. You didn't bother to register to vote. You liked the Third Party candidate but you didn't think he had a chance to win. You now see that he is doing better than expected and wish you had registered. Remain in your seat.

---

4. You don't pay much attention to politics. The only reason you registered to vote was because you needed to have proof of citizenship to enter Mexico for a vacation. You don't have much interest in the election since you think politics has little to do with your life. What will you do?

---

5. You were planning to vote for the Democratic candidate but you hear that there is an hour wait at your precinct. You also hear on the news that your candidate is running second in election results from other parts of the country. What will you do?

---

6. You have an interest in politics but you don't support any of the candidates. You think none of them has the leadership or vision necessary to deal with the complicated political and economic problems that face our nation and the world. You therefore decide not to vote in protest. Remain in your seat.

---

7. You are active in the Republican party. You worked for local candidates in this election and you feel strongly about two issues. You are against abortion and you don't believe in spending a lot of government money on social programs for the poor. Go to the polls.

---

8. You have always been a registered Democrat but you think the country needs a change in directions and you are fed up with the lack of leadership in the party. You like the Third Party candidate's views but don't think he can possibly win. Therefore you are seriously thinking about voting for the Republican candidate. Go to the polls.

---

9. You don't pay much attention to politics and you can't read very well so you haven't read newspaper or magazine articles about the campaign. You once thought about voting in the election but you didn't know where or how to register. Remain in your seat.

---

10. You have always registered Democrat and voted a straight Democratic ticket in every election. You haven't followed the election very closely but you see no reason to change your voting pattern for this election. Go to the polls.

---

11. You have been a Republican for many years. You are an oil corporate executive and are in favor of tax breaks for business and deregulation of price and industrial pollution controls. Go to the polls.

---

12. You live in a small town and are opposed to what you see as a moral decline in the country. You are very religious and believe that the Republican Party stands for the things you believe in. Go to the polls.

---

13. You have been a member of the Socialist Party for several years because you believe that wealth should be distributed more equitably among all the people. You don't think the Democratic Party is concerned with social justice and you don't think the present economic system will ever establish social justice. You will vote for the Socialist candidate. Go to the polls.

---

14. You and your family don't make much money and your financial condition has worsened because of inflation. The Republican Party has promised to cut down inflation so you decide to vote Republican. Go to the polls.

---

15. You are unemployed and receiving welfare. You have tried to get jobs but you have no training and the manual jobs you could get pay less than the welfare. You have heard that the Republican candidate has promised to reduce the welfare budget so you don't want him to win. You wish you had registered so you could vote for the Democratic candidate but you didn't. Remain in your seat.

---

16. You are a supporter of women's rights but you don't trust any of the candidates to support legislation to protect women's rights to equal opportunity. You have to make a choice and you decide that the Democratic candidate is the lesser of the two evils. Go to the polls.

---

17. You believe in a strong national defense and want to vote for the candidate that will build up the country's military arsenal. You like the Republican platform on this issue. Go to the polls.

---

18. You are against the development of nuclear power and weapons. You feel that the dangers of nuclear power outweigh the advantages. You also feel that the development of more nuclear weapons will lead to nuclear war. The only candidate that has come out against nuclear development is the Socialist candidate, but you are not a socialist. You are not sure who to vote for.

---

19. You are a worker. You lost your job because your company moved the factory to an Asian country where the labor is much cheaper. You are in favor of laws that set limits on what companies can do. No candidate has supported this kind of legislation. You think that the government is not interested in your well-being and decide not to vote. Remain in your seat.

---

20. You turned 18 last year but you did not register. You didn't think about it very much and you feel that your vote won't make much difference anyway. Remain in your seat.

---

21. You are an elderly person and you are very concerned about the need for greater benefits to the elderly. Inflation is making it difficult to live on your social security and small pension. The Republican candidate promises to reduce inflation which would help you. The Democratic candidate promises to increase Social Security benefits by 15%. You have to decide which candidate will best serve your needs. Go to the polls.

---

22. You live outside the United States and in order to vote you needed to register at the Embassy. You were very busy in your new life in a foreign country and you didn't remember to register. Remain in your seat.

---

23. You moved from Arizona to New Mexico recently. You were too busy settling into your new home and job that you forgot to register. Remain in your seat.

---

24. You were active in the Vietnam protest movement in the 60's and you have been involved with political action activities for social justice and human rights ever since. You don't like any of the candidates because none of them is in favor of the kind of social programs and foreign policy you support. However, you do not want to see the Republican candidate win but you decide not to vote. Remain in your seat.

---

25. You were planning to vote but your car is in the repair shop so you will have no transportation. You thought about getting a ride to the polls from a neighbor but didn't get around to asking her. Remain in your seat.

---

26. You have always been a moderate Republican and you don't like the Republican candidate because he is too far to the right. You don't want to cross party lines to vote for the Democrat and you don't trust the Third Party candidate. You thought about going to the polls and making a decision there but you decided not to. Remain in your seat.

---

27. You are a college student working for a degree in engineering. You are interested in getting a good job and having a family. You have never been involved in politics because you think it is all corrupt. You didn't register to vote. Remain in your seat.

---

28. You are a militant Chicano who believes that the society discriminates against racial and ethnic minorities. You are angry at Democratic politicians because you think they have not fulfilled their promises for equal opportunity. You have voted for both Democratic and La Raza candidates in the past but you are fed up and decide not to vote. Remain in your seat.

---

29. You are a small businessman. Your business has not been going well for the past several years because competition from large corporations has cut into 25% of your sales. The Democratic candidate has promised to help small business people in the form of low interest loans and tax breaks. You don't really like the Democratic candidate but this issue is important. You want to vote but you realize you forgot to register. Remain in your seat.

---

30. You are a poll worker. Report to the polls immediately to vote before you start working. You are a political moderate and you always vote for a candidate, not for a party. You don't like either the Democratic or Republican candidates but the views of the Third Party candidate seem reasonable. You decide to vote for him, even though you know he can't win.

---

31. You are a poll worker. Report to the polls immediately to vote before you start working. You are a middle class professional person and you are tired of giving your money to the government in taxes. You have worked hard to get where you are and you want to keep more of your money for the luxuries you feel you deserve. The Republican candidate promises a large tax cut, which you favor, but you don't like his stand on abortion. You decide to vote for him anyway.

ATTACHMENT 2

ELECTION RETURNS

CANDIDATES	NUMBER OF VOTES	% OF TOTAL VOTES
DEMOCRATIC		
REPUBLICAN		
THIRD PARTY		
SOCIALIST		
TOTAL NUMBER OF VOTES		

ATTACHMENT 3

VOTING STATISTICS

VOTER REGISTRATION

# of Eligible Voters	# of Registered Voters	% of Eligible Voters Who Registered

(67.5%, 1976 election)*

VOTERS

# of Registered Voters	# of Registered Voters Who Voted	% of Registered Voters Who Voted

(77.1%, 1976 election)*

# of Eligible Voters	# of Registered Voters Who Voted	% of Eligible Voters Who Voted

(53.95%, 1980 election)

VOTING AGE POPULATION ELECTING WINNING CANDIDATE

# of Eligible Voters	# of People Voting for Winning Candidate	% of Voting Age Population Electing Winning Candidate

(27%, 1980 election)

*1980 Statistical Abstracts of the United States

Title: NORTBURG HIGHWAY PROBLEM

Unit: Government

Description:

This committee simulation gives students an opportunity to participate in the solution of a civic and economic problem. This activity can easily be adapted for use with a problem specific to a local situation.

Objectives:

1. To develop skills in solving community problems.
2. To enhance argumentation, problem solving and group process skills.

New Mexico Basic Skills Objective:

No corresponding objective but promotes community participation skills.

Time: One class period

Level: Regular to advanced

Materials: Attachments entitled "Nortburg Highway Problem"
Name tags for role players

Procedure:

1. Hand out attachments.
2. Read through the problem with the class. Outline the problem with each route on the board.
3. Divide class into groups of six. Hand out sets of name tags for each group and have students read their role descriptions.
4. Conduct simultaneous simulations of committee meeting. Have groups select one person to record group decisions.
5. When groups have completed discussion, have each recorder report on the decision of the group and give reasons for the decision.
6. De-briefing questions:
   a. Were the interests of all citizens affected by the new highway equally represented on the committee?
   b. Was the group decision a just one?
   c. How did the group propose to deal with the problems created by the decision it made?
   d. Can you suggest other procedures to solve this problem that might be more democratic? What are they?

NORTBURG HIGHWAY PROBLEM

Here are some important facts about the Nortburg highway problem. A controlled access highway is to be built from point A on one side of Nortburg to point B on the other side. A controlled access highway is like an interstate highway. It means that you cannot cross the controlled access highway. Motorists cannot get on or off except where there are interchanges.

In the situation shown on the map, the state is building the controlled access highway. It is complete to point A and to point B. Some engineers from the state highway department have surveyed three possible routes to connect points A and B. These are the only possible routes. For various reasons there are no other possible routes. (See dashed lines on map for proposed routes.)

Here is some information on the costs of building a controlled access highway. First of all, (because of the Law of Eminent Domain), the state may buy any property it needs to build the controlled access highway. Owners must sell, but they are given a fair price for their property. To buy the property on Route 1 would cost the state $460,000. To buy the property on Route 2 would cost $4,100,000. To buy the property on Route 3 would cost $2,100,000. It will cost $800,000 per mile to build the highway. There are three places where the bridge across the river could be built. The bridge on Route 1 would go across the reservoir and would be very expensive to build. It would cost $4,700,000. The bridge on Route 2 would go across the base of the dam and would cost $1,200,000. The bridge on Route 3 would cost only $800,000. Bridges are expensive to build. If Route 3 is used then all of Mount Hope cemetery must be moved. This move would probably cost about $400,000.

There are other considerations about the cost of the project. After a route has been decided on, then it will cost $600,000 more to make an exit so that motorists may get on or off the controlled access highway at Nortburg. The state highway department has allocated an absolute maximum amount that can be spent and that amount is $9,000,000. (This includes the exit.)

There are other things to be considered. Every route has some problems connected with it. Let us considet these problems for each route. These are considerations other than financial considerations.

Route 1 has few problems. It would take up farm land and farmers would not want to sell their land, but of course they would have to sell. The right of governments to buy property from citizens is called Eminent Domain. Route 1 would go through and destroy most of Pershing Park. This is the important entertainment area for the people of Nortburg. This is where a big fair is held annually and where the local baseball diamond is located. It is also a picnic area. It is very important to the recreation of the city of Nortburg.

Route 2 would go through the main part of town. About ten blocks of the main business area would have to be torn down if this route is used. Route 2 would go through the North End area which has low-rent apartments, small, older homes and some slum areas. Most of the people who live there are quite poor and cannot afford to live in any other part of Nortburg. What is to be done about these people if Route 2 is chosen?

Route 3 would go through the Country Club section which is new and very pretty. Wealthy and influential lawyers, doctors and bankers live in this area. In fact, all of the wealthy people live in this area. Route 3 also goes through Mount Hope Cemetery, the Protestant Cemetery. About 70% of the people of Nortburg are Protestant. Most of the other people in Nortburg are Roman Catholic and have a cemetery several miles south of town. The Protestants of Nortburg are very disturbed about the possibility of the cemetery being moved, but the Roman Catholics do not care one way or the other. Route 3 would also go through Kent Park, a nice park along the river where people go for picnics.

One of the important business in Nortburg is entertaining tourists. Just north of Bear Lake is a tourist attraction called Pioneer Town. This is a very popular exhibit. People come from all over to see this recreation of a pioneer town of the 1880's. The merchants who make the most from Pioneer Town are the motel, hotel and restaurant owners. However, other businesses also make money from Pioneer Town. Many of the businessmen of Nortburg feel that the new highway will bring more visitors than they have ever had before. If an exit is not built for Nortburg, visitors will have to leave the controlled access highway 15 miles down the road and then come into Nortburg on old Highway #9. Once they got to Nortburg, they would have to go 15 miles on the other side of Nortburg to get back on the controlled access highway. Old Highway #9 is not in good condition.

All possible routes have problems connected with their selection.

The governor of the state has selected a six member committee to decide which route shall be used.

	ROUTE 1	ROUTE 2	ROUTE 3
Mileage	4 3/4 Miles	4 1/3 Miles	6 1/4 Miles
Property Value	$460,000	$4,100,000	$2,100,000
Exit Cost	$600,000	$600,000	$600,000
Road Cost Based on Mileage	$3,800,000	$3,400,000	$5,000,000
Bridge Cost	$4,700,000	$1,200,000	$400,000
Cemetery Relocation	------	------	$400,000

ROLE DESCRIPTIONS

NORTBURG HIGHWAY PROBLEM

THE MAYOR

The mayor of Nortburg enjoys his job and wants to keep it. He faces relection this fall. The mayor wants to have an exit built so that more business will come into Nortburg. However, he is getting pressure from all sides in the community involving the 3 proposed routes. He faces pressure from a variety of townspeople and farmers who do not favor Route 1 because it would mean the loss of Pershing Park and some surrounding farmland. He is also concerned about the location of Route 2 because it would tear up a portion of the business district which would upset local businessmen, and the people who live in the inner-city who would have a difficult time finding alternative low-cost housing. And finally, he has pressure concerning Route 3 because it would disrupt the wealthy suburban residential area, and upset the Protestants over the relocation of their cemetery.

THE REPRESENTATIVE

The representative from the State Department of Roads wants a good system of roads at the least cost. He cares little about the cemetery, park, or disruption of the business district and inner city.

CHAMBER OF COMMERCE REPRESENTATIVE

The Chamber of Commerce Representative represents the business people of the community who want an exit built so that they can profit from the added tourist trade. The businessmen are opposed to Route 2 because it would destroy the part of the existing business community.

THE PROTESTANT MINISTER

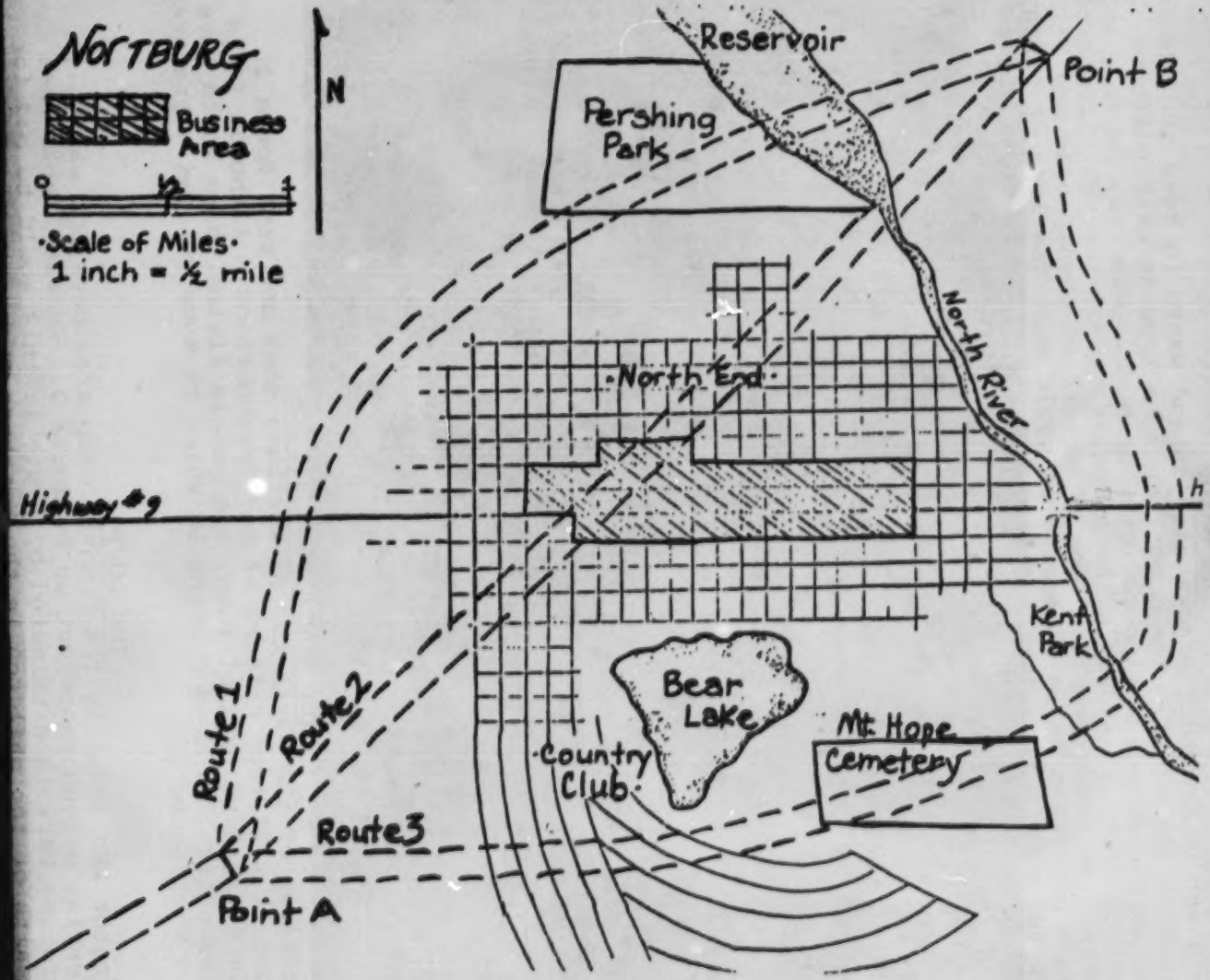
The protestant minister and his congregation are opposed to Route 3 because it would mean relocating their cemetery. He would also like to see the recreational facilities of Pershing Park preserved.

THE NORTH END CITIZEN

The citizen of the North End of Nortburg does not want Route 2 because it will tear up part of his neighborhood. Although it is not an attractive part of town, the people living there would have no alternative low-cost housing in which to move to, and therefore, do not want Route 2.

THE DOCTOR

The doctor who lives in the Country Club area does not want his residential neighborhood cut up by Route 3. He also feels that if Pershing Park is eliminated by Route 1, this would be bad for the health of the children in the Nortburg community since they do not have many other parks and playgrounds.


NORTBURG
Business Area
N
0
½
1
·Scale of Miles·
1 inch = ½ mile
Reservoir
Point B
Pershing Park
North River
·North End·
Highway #9
Kent Park
Bear Lake
Mt. Hope Cemetery
·Country Club·
Route 1
Route 2
Route 3
Point A

Title: WRITING YOUR REPRESENTATIVE

Unit: Government

Description:

This often-used exercise is an excellent way to show students how to contact state and U.S. representatives about particular issues of concern. While students might think one letter will not have an impact, collective letter-writing can be an effective way of informing representatives of the opinions of their constituents. This can be used in conjunction with citizen participation in a study of the legislative branch.

Objectives:

1. To identify state and U.S. representatives.
2. To increase knowledge of ways of influencing decision-making.
3. To increase writing and argument skills.

New Mexico Basic Skills Objectives:

1. G/L 2C - To understand how to influence representatives.
2. G/L 1A - To understand the composition and operation of both houses of Congress.

Time: One class period

Level: Basic to advanced (basic level students need close guidance on the form of the letter)

Materials: Attachment - Mary García Letter
Stamped envelope brought to class by each student
List of state and U.S. representatives

Procedure:

1. List on the board 2-3 controversial topics on which state or U.S. representatives might have to make a decision. Examples: The WIPP project, abortion, prayer in the public schools, the draft, foreign policy issues. Students can generate these issues or they can be presented to them.
2. Discuss each issue with students, having them give opinions for or against each. Ask students to back up their opinions with reasons.
3. Instruct students to choose one issue that they feel strongly about. They will write a letter to an appropriate representative expressing their opinions about the issue they choose. (The class may choose just one issue if students want to increase the impact of their letter-writing)

4. Hand out the attachment. Analyze the structure of the letter and explain how it can serve as a model for their letters.
5. Have students identify their U.S. and state representatives. Then have them identify the one to whom they will write. Supply them with addresses.
6. Have students write their letters either in class or as homework. They can work individually or in pairs. Assist them with the following format:
    a. purpose of the letter
    b. statement of their opinion about the issue
    c. two or more reasons, with support, for their opinion
    d. how they want their representative to respond
7. Have students share letter with others in the class. Have them address and mail them.
8. When responses are received, read them to the class and discuss.

ATTACHMENT

Mary García
212 Hermosa NW
Albuquerque, NM 87105
December 12, 1981

Senator Harrison Schmitt
5313 Dirksen
Senate Office Building
Washington, D.C. 20510

Dear Senator Schmitt:

Since Congress may soon be considering a bill to reinstate the draft, I would like to share with you my opinion on this subject. I am against the draft for several reasons.

First of all, the draft is fundamentally undemocratic. It forces people to perform duties which might go against their beliefs. The draft also draws people primarily from the lower classes. More affluent people often get deferrments or hire lawyers to get them out of it. The draft also discriminates against both men and women, because it puts the burden of defense on men and excludes women altogether.

Besides the unequal burden of the draft, I am concerned about the necessity of building up our military. Historically, countries which have strengthened their military have then become involved in a war. Countries which do not depend on a strong military are more likely to try to talk over disputes. It would seem that by keeping a volunteer army our country's military would be as strong as our people want it to be.

I hope you will consider my views if Congress does propose a bill to reinstate the draft. Please make a thorough effort to find out the opinions of your constituency before you decide how to vote.

Thank you.

Sincerely,

Mary García

Mary García

143

Title: GOODS AND SERVICES

Unit: Consumer Economics

Description:

This brief brainstorming activity serves as an introduction to consumer economics. It asks students to identify and differentiate goods and services to increase awareness that they are consumers.

Objectives:

1. To recognize what a consumer is.
2. To distinguish between goods and services.
3. To develop understand of comparative shopping.

New Mexico Basic Skills Objective:

CE 3E - To know where to purchase particular goods and services.

Time: 20 minutes or less

Level: Basic to advanced

Materials: None

Procedure:

1. Ask students to identify what they have spent money on in the last week. List items on the board.
2. Then, ask students to identify whether these items are goods or services.
3. Have students define what goods and services are.
4. Ask where each of these goods and services was obtained. Ask where else they might have been obtained and where they think they would be most or least expensive. Ask students if there is always a relationship between cost and quality.
5. As a brief application exercise, ask students to identify each item as a good or a service, or both:
   a. having a dress cleaned
   b. getting a new shirt
   c. getting a vaccuum repaired
   d. having an eye examination
   e. a will prepared by a lawyer
   f. getting a new part installed in a car
   g. the work of a housewife
   h. having a term paper xeroxed
   i. getting a cooler and having it installed

Title: UNDERSTANDING ADVERTISING TECHNIQUES

Unit: Consumer Economics

Description:

To become effective consumers, students need to be aware of advertising techniques in order to make critical choices when purchasing consumer goods. This activity can be used as an introduction to advertising awareness.

Obejctives:

1. To recognize a variety of advertising techniques used in newspapers, magazines, TV and radio.
2. To enhance informed consumer decision-making.

New Mexico Basic Skills Objective:

CE 5A - To know various modes and techniques of advertising, including inappropriate and illegal techniques.

Time: One class period plus homework assignment

Level: Basic to advanced

Materials: Attachment
Copies of newspapers and magazines to be distributed to the class

Procedure:

1. Hand out attachment and review the material on advertising techniques with students.
2. Then have students identify which technique is being used in each of the pictures on Page 2. This may be done individually or in groups.
3. Distribute newspapers and magazines to class. Have students find 3-4 examples of the techniques presented in the handout.
4. As homework, instruct students to analyze 2 advertisements from TV, radio, newspapers, or magazines. For each ad, they should:
   a. Identify product advertised.
   b. Name the medium in which it is advertised.
   c. Give factual information presented in the ad.
   d. Identify advertising technique(s) used.
   e. Tell whether or not they would buy the product based on the advertisement. What might they do before purchasing the product or another like it?

UNDERSTANDING ADVERTISING TECHNIQUES

Advertisers use many techniques to get you to buy their product. Most ads contain some information about the product, but this alone is not enough to convince you to buy one product instead of another brand which is similar. Advertisers appeal to your emotions to get you to feel good about their product. They may appeal to your fears--your fear of bad breath, body odor, being unattractive, or looking "funny."

Another appeal is to your vanity. Most people want to be sexy, handsome or pretty. Advertisers will try to convince you that use of their product will make you irresistable to the opposite sex.

A third appeal is to our desire for status. We like to have the newest, finest, biggest, best, most expensive item and we like to be the first one in town to have it.

A fourth appeal is to our tendency to trust the word of a doctor, scientist, or expert. Most people are not knowledgable enough to make informed choices in areas like medicine, electronics, or car engines, so we trust the advice of people who are trained in these fields.

Few people can resist a bargain. We feel smart and pleased with ourselves when we get a good deal. This is another appeal used by advertisers.

Another appeal is to our desire to be part of the crowd. People who are markedly different from everyone else are subject to ridicule. If a product is liked by nine out of ten people, or if its the #1 seller or the most popular brand, then we will be like everyone else if we, too, use this product.

A technique which is similar to this is appealing to our desire to be part of a particular group, such as an ethnic group or a social peer group.

One final technique is appealing to our desire to be like our heroes and heroines; these are usually sports figures and movie stars. We like to use the same products as famous people. If we like the person telling us about the product, we will transfer these positive feelings to the product itself.

There are many other advertising techniques used, but these are the most common.

UNDERSTANDING ADVERTISING TECHNIQUES

Directions: Advertisers use a number of techniques and gimmicks to stimulate demand for their product. Can you recognize the following techniques in the advertisements below?

FEAR - DESIRE FOR PRESTIGE OR STATUS - SCIENTIFIC CLAIMS - BARGAIN APPEALS - EMOTIONAL AND SEX APPEAL - FOLKSY AND ETHNIC APPEAL - ASSOCIATION WITH FAMOUS PEOPLE - NUMERICAL CLAIMS

Title: COMPARISON SHOPPING

Unit: Consumer Economics

Description:

This is a field research project which requires students to comparison shop for an item they wish to purchase. It can be done when studying consumer awareness and students can work individually or in teams.

Objectives:

1. To develop awareness of the need for comparison shopping.
2. To understand advertising techniques.
3. To recognize other factors beside price that influence the purchase of goods.

New Mexico Basic Skills Objectives:

1. CE 3B - Understand the principles of comparison shopping and the relation of price to quality.
2. CE 3E - Know where to go to purchase particular goods and services.

Time: One-third to one-half class period (for instruction)
One-half to one class period (for discussion of results)

Level: Basic to advanced

Materials: Attachment entitled "Comparison Shopping"

Procedure:

1. Begin the project with discussion questions like the following:
   a. Why is shopping around important in making wise consumer choices?
   b. What types of stores do you shop in? Why?
   c. What factors other than price should a shopper consider?
2. Hand out the attachment and student directions.
3. Read through the directions and explain the chart. It would be helpful to take a hypothetical item and fill out the chart to show students how to proceed.
4. Students can complete the project individually and report their findings to the class. The class can also be divided into groups of 3 and each group can do research on a different item. Each member of a group can investigate one type of store. When results are completed, groups can meet, in class, exchange information, and fill in their charts. Have each group report their findings to the class.

COMPARISON SHOPPING

Student Directions:

1. Select a product for which you would like to shop. (baseball, tennis shoes, 10-speed bike, etc.)

2. Next, select a department store, a discount store, and a local store (a speciality store) where you would like to shop for the item you've selected.

3. After shopping for your item, fill in the chart.

Explanation of Chart:

Price: List the retail price of your item.

Trading Stamps: Does the store issue trading stamps or any other premium?

Methods of Advertising: List as many kinds of advertising used by the store as you can.

Influence of Store's Advertising on You: Did the store's advertising influence your decisions to shop there?

Selection of Products: Are there alternative selections in the product line for which you are shopping?

Attitude of Sales People: What is the general attitude of the sales people? Are they courteous? Eager to serve? Friendly?

Convenient Location: Is the store located within a reasonable distance from your home? Is there parking available nearby?

Attractiveness of Store: Does the store have a pleasant atmosphere? Is it neat and orderly? Are the aisles clear? Are the products openly displayed?

Service Section of Chart: For the service section of the chart, decide upon a number which best expresses your feelings about the service section items. Use the following scale:

1 = poor
2 = passing
3 = fair
4 = good
5 = excellent

RATING STORES

_____ product

STORE	PRICE	TRADING STAMPS	METHODS OF ADVERTISING	SERVICE: INFLUENCE OF STORE'S ADVERTISING ON YOU	SERVICE: SELECTION OF PRODUCTS	SERVICE: ATTITUDE OF SALES PEOPLE	SERVICE: CONVENIENT LOCATION	SERVICE: ATTRACTIVENESS OF STORE	TOTAL OF 25	COMMENTS: STORE'S OVERALL STRENGTHS AND WEAKNESSES
_____ DISCOUNT STORE										
_____ DEPARTMENT STORE										
_____ LOCAL STORE										
_____ OTHER										

Title: SUPERMARKET TASKS

Unit: Consumer Economics

Description:

This is an awareness activity designed to get students to think about some of their food consumption and buying habits. Students have the opportunity to relate their findings to consumer habits and values that may otherwise be taken for granted.

Objective:

To develop an understanding of the relationship among price, quality, and nutritional value in food products.

New Mexico Basic Skills Objective:

CE 4B - Understand the relationship of price to the quality and the life of consumer goods.

Time: One class period and out-of-class time

Level: Basic to advanced

Materials: Attachment entitled "Supermarket Tasks"

Procedure:

1. Distribute copies of attachment.
2. Allow about 10 minutes for discussion to decide which students would like to do which tasks on the handout. Inform the students that the nine tasks on the handout are only suggestive of the many things that could be done in a supermarket. You might want to spend more time brainstorming other possible tasks and deciding who would like to do them.
3. Visit one or two supermarkets to complete the tasks chosen by your class in Step 2. Students may do this as a field trip or as an out-of-class activity. Store managers must be notified in either case.
4. Allow at least 30 to 40 minutes to discuss students' findings. What things did students find out that they had not realized before?
5. Ask students what changes in food buying and consuming habits they would consider making as a result of doing the tasks in this activity?

SUPERMARKET TASKS

Visit a local supermarket and . . .

1. Find the most costly food item per ounce.

2. Find the food with the most protein per ounce. How much does it cost?

3. List all the different food preservatives you can that are used in food items sold in the stores.

4. List as many items as you can that are owned and/or manufactured by these companies:

   General Mills
   Safeway
   Proctor and Gamble
   General Foods

5. Find the least expensive food item in the store.

6. List all of the ingredients (according to the labels) of at least five canned goods. Make a separate list of all the ingredients in your first list that you know little or nothing about.

7. Find out how much per pound you would have to pay for coffee in any three brands of "international" coffees.

8. Get together with two other students and list all the food times you can find in the store that you consider NOT essential to a well-balanced, nutritious diet. Optional: keep track of how much these "non-essential" food items cost. Total the costs.

9. Bring in several items from the local supermarket. At least 10 items. Have students price the items on a sheet of paper as you describe them. Add the totals and determine which students came the closest to the actual price of the 10 items. Discuss.

From Teaching About Food and Hunger: 33 Activities by George Otero and Gary Smith, Center for Teaching International Relations, University of Denver, Denver, Colorado 80208. Reprinted with permission.

Title: UNDERSTANDING CONTRACTS

Unit: Consumer Economics

Description:

To be wise consumers, students need to be aware of the elements of a contract and recognize when a contract has been made. This activity serves as an introduction to contracts.

Objectives:

1. To understand the elements of a contract.
2. To recognize a legally binding contract.

New Mexico Basic Skills Objective:

CE 3 - To know how to apply the principles of consumer economics when buying, selling, or leasing goods and services.

Time: 25 minutes

Level: Basic to advanced

Materials: Attachment entitled "Is there a Contract?"
A dollar bill

Procedure:

1. As a springboard activity to introduce contracts, take out a dollar bill. Approach a student with a pencil or notebook on the desk, and say "I'll give you a dollar for your pencil. Do you accept?" If the student accepts, make the exchange. Ask the students if there is a contract. (Then "undo" the contract)
2. Next, approach another student. Without saying anything, take a student's pencil and give him the dollar. Again ask if there is a contract.
3. Approach a third student and give him/her the dollar. Don't take anything in exchange. Ask if there is a contract.
4. Explain to students the differences in the three exchanges:
   (1) is a contract because there was an offer, an acceptance, a mutual agreement (both parties agreed) and consideration, or an exchange made.
   (2) is not a contract because there was no acceptance or mutual agreement.
   (3) is not a contract because there was no consideration. Nothing was exchanged. The dollar was a gift.
   Explain that a valid contract can be either oral or written.
5. Have students complete attachment in groups or individually. Discuss answers. Explain that a contract made by a minor is not always legally enforceable. Minors can only be held to contracts for necessities such as housing.

IS THERE A CONTRACT?

1. Mary offers to lend Susan her bike if Susan will help mow the lawn. Susan agrees and then borrows the bike.

2. John is 16. He agrees to pay Swift Stereo Shop $50 a month for 5 months to purchase a stereo set. He gives the salesperson a down payment and takes the stereo.

3. Helen sees an ad for blouses costing $5. She goes to the store, buys one and pays by check.

4. Mark, 17, advertises that he will mow lawns for $10 a job. Mr. Clark calls Mark and asks him to come on Tuesday. After the lawn in mowed, Mr. Clark gives Mark a $10 bill.

5. Angela tells Carol she can come over and pick the cherries off of her tree. After Carol has picked them, Angela says, "Now that you have the cherries, would you water the lawn while I'm on vacation?"

6. Eric saves up $100 from mowing lawns and makes a down payment on a used car. The payments are $275 a month and after 6 months Mark finds he can't keep up with them. The car dealer threatens to sue for "breach of contract."

7. John says "I'm going to sell my car for $450." Mike says, "Okay, I accept."

Title: MAKING A CONTRACT

Unit: Consumer Economics

Description:

A consumer survival skill for students is the ability to read, complete, and understand a contract tc purchase an item on the installment plan. This activity can be used after examining what a contract is and when studying installment purchasing.

Objectives:

1. To be able to read, understand and complete a contract.
2. To become familiar with financing terms and charges.

Nex Mexico Basic Skills Objective:

CE 2 - The individual should understand the effective use of money, money substitutes, and financial services.

Time: One-half class period

Level: Basic to advanced

Materials: Attachments 1, 2 and 3;-Contract and Checklist

Procedure:

1. Hand out the attachments and read through Attachment 1 with students.
2. Ask students to explain the meaning of these terms (or explain for them if they do not know):

   down payment
   finance charge
   installment contract
   monthly payment
   annual percentage rate
3. Have students complete the contract.
4. Project Attachment 2 on an overhead projector and fill out the contract with the class. This will allow them to correct their errors. If you have no projector you can do this on the board.
5. Have students answer questions on Attachment 1.
6. Review rules on the contract check list on Attachment 3.

MAKING A CONTRACT

George García, of 2214 Lomas NW, went to the True Sound Stereo Shop to purchase a turntable, amplifier, receiver, and two speakers. The shop was having a sale. They promised to give $50 for any trade-in if a buyer purchased a bigger, better stereo set, so George took his old record player with him to trade in. The set George chose was a fancy one. The turntable was $225, the receiver/amplifier was $250, and the speakers were $75 each. The total came to $625, plus tax of $25, for a cash total of $650. George couldn't pay for all of it at once, so he agreed to put $105 down and pay off the remainder in 12 monthly payments. He will be paying a finance charge of $59.40 on his remaining balance of $495. Since George has no other charges, his total payments will be $554.40. His monthly payments will be $46.20 and his annual percentage rate is 21.07%.** His payments start in 30 days and are due on the first of each month. The Beneficial Finance Company will be handling his payments. Since New Mexico does not require the purchase of insurance when arranging credit, George did not buy any.

Questions

1. What portion of the contract should the buyer examine to make sure that the merchandise he's getting is what he actually wishes to buy?

2. What would yo do if you did not fully understand this installment sales contract when asked to sign it?

** These are hypothetical figures. You must refer to a table to obtain figures for annual percentage rate. It is not a simple interest rate.

Seller's Name: _____ Contract # _____

_____

RETAIL INSTALLMENT CONTRACT AND SECURITY AGREEMENT

PURCHASER'S NAME_____

PURCHASER'S ADDRESS_____

CITY_____STATE_____ZIP_____

The undersigned (herein called Purchaser, whether one or more) purchases from_____(seller) and grants to_____(seller) a security interest in, subject to the terms and conditions hereof, the following described property.

QUANTITY	DESCRIPTION	AMOUNT	
Description of Trade-in:			
	Sales Tax		
	Total		

1. CASH PRICE $_____
2. LESS: CASH DOWN PAYMENT $_____
3. TRADE-IN _____
4. TOTAL DOWN PAYMENT_____ $_____
5. UNPAID BALANCE OF CASH PRICE $_____
6. OTHER CHARGES: $_____
   _____ $_____
   _____ _____
7. AMOUNT FINANCED $_____
8. FINANCE CHARGE $_____
9. TOTAL OF PAYMENTS $_____
10. DEFERRED PAYMENT PRICE (1+6+8) $_____
11. ANNUAL PERCENTAGE RATE _____%

Purchaser hereby agrees to pay to _____ at their offices the "TOTAL OF PAYMENTS" shown above in _____ monthly installments of $_____(final payment to be $_____ the first installment being payable _____19____, and all subsequent installments on the same day of each consecutive month until paid in full. The finance charge applies from ___(Date)_____

Insurance Agreement

The purchase of insurance coverage is voluntary and not required for credit. (Type of Ins.) _____ insurance coverage is available at a cost of $_____ for the term of credit.

I desire insurance coverage

Signed_____ Date_____

I do not desire insurance coverage

Signed_____ Date_____

Signed_____ Date_____ Signed_____

Notice to buyer: You are entitled to a copy of the contract you sign.

ATTACHMENT 3

CONTRACT CHECK LIST

Whenever you sign a contract, make sure you follow these rules:

1. Make sure all blanks are filled in; put a mark in the blank if no information is to go in the blank, like this ~~~~.

2. Make sure you look at all pages of the contract to see that they are all the same; and make sure there are no short pages hiding between 2 longer ones.

3. Make sure you understand all the math, especially any extra charges above the price.

4. Make sure you understand the method of payment; for example, will they send you a reminder in the mail when the payment is due, or do you just have to remember to send it in? How often will you have to pay? Do you have to send in a form?

5. Make sure you understand what will happen if you miss a payment; will you be fined? Will you lose the product?

6. Make sure you get a copy of the contract after everything is signed.

These helpful rules won't guarantee that you won't be cheated, but they will help you understand what you are getting into.

Title: THE CASE OF THE USED CAR PURCHASE

Unit: Consumer Economics

Description:

Consumer awareness of warranty and comparative shopping is essential when purchasing automobiles, as this activity demonstrates. Students will analyze a situation of what not to do when purchasing a car and then role play what a wise car purchaser should do.

Objectives:

1. To become familiar with wise consumer practices.
2. To learn the value of comparison shopping.
3. To increase understanding of different types of warranties.
4. To increase awareness of the need for comparison shopping for installment purchases.

New Mexico Basic Skills Objectives:

1. CE 3B - The individual should understand the principles of comparison shopping and the relation of quality to price.
2. CE 3E - Know where to go to purchase particular goods and services.
3. CE 4B - Understand the relationship of price to the quality and the life of consumer goods.

Time: One class period

Level: Basic to advanced

Materials: Attachment - "The Case of the Used Car Purchase"

Procedure:

1. Have students read attachment.
2. Have students generate a list of things Sharon should have done or thought about before going to A-1. (a. on attachment)
3. Have students generate a list of things Sharon should have done at A-1 before agreeing to buy the car. (b. on attachment)
4. Have students list all the ways the seller could trick Sharon (c. on attachment). Explain to the students that "puffing" is an exaggeration of the merits of a product. For example, "This is the best car in the whole world."
5. Have the students role play the auto purchase. Ask students to apply the knowledge they have of what a wise consumer should do and what the seller could do to trick the consumer. The role play can be conducted in groups of 3 simultaneously, (roles of Sharon, salesman, and an observer) or with 2 students in front of the class.

6. Have observers (either those in groups or the rest of the class if only 2 students do the role play) observe, record and report on the ways Sharon was and was not a wise buyer. Also have observers record and report on what ways the salesman tried to trick Sharon.
7. As a wrap up, discuss the proper steps in purchasing a car.

THE CASE OF THE USED CAR PURCHASE

Having saved $500 from her summer job, Sharon responded to an ad for "like-new, one-owner used cars." A salesperson for A-1 Used Cars watched Sharon wander around the lot until she was attracted to a sharp-looking, late-model compact car. Sharon told the salesperson that this car looked just right for her. He replied, "You've made a good choice. This is an excellent car. It will give you many years of good service."

Although the sticker price was $1550, the salesperson thought that he might be able to get her a $50 discount because she was "a nice young kid getting her first car." After conferring with the sales manager, he told her that she could have the car for $1500 and that the dealer could arrange to finance the car and sell her all necessary insurance.

Sharon knew that she'd need a loan and her parents had warned her that insurance was required by law. Her excitement increased as it appeared that all her problems could be solved in one stop.

The salesperson told her that A-1 would make any repairs to the engine, not caused by her misuse, for thirty days or 1,000 miles, whichever came first. Now she even felt confident about using all of her savings as a down payment. After all, what repair bills could she have with such a nice car accompanied by a terrific warranty?

a. Make a list of things Sharon should have done or thought about before going to A-1.

b. Make a list of things she should have done at A-1 before agreeing to buy the car.

c. Did the seller make any promises to her? Did he say anything that could be considered puffing? Make a list of all the ways the seller could trick Sharon.

d. What are the advantages and disadvantages of having the dealer provide Sharon with financing and insurance?

e. Taking into account the lists you've made, roleplay Sharon's encounter with the salesperson.

From Street Law: A Course in Practical Law (1980), West Publishing Company, Box A, 170 Old Country Road, Mineola, NY 11501. Reprinted with permission.

Title: TAXES AND SERVICES: WHAT'S YOUR OPINION?

Unit: Consumer Economics

Description:

All citizens are affected by tax laws and must pay taxes. This brief survey introduces students to the rationale underlying taxation and asks them to evaluate who should pay taxes, under what circumstances, and for what reasons. This can be used as an introduction to taxation.

Objectives:

1. To increase understanding of the reasons for taxation.
2. To heighten awareness of who pays taxes.
3. To examine values with respect to taxation.

New Mexico Basic Skills Objective:

CE 2A - To know how and why income and sales taxes are collected.

Time: 15 minutes

Level: Basic to advanced

Materials: Attachment "Taxes and Services: What's Your Opinion?"

Procedure:

1. Hand out attachment. Give students 5 minutes to complete the survey.
2. Make a grid on the board and record results of survey.
3. Discuss areas of greatest disagreement. Discuss rationale for taxation and possible inequities in the system.

TAXES AND SERVICES: WHAT'S YOUR OPINION?

Instructions:

Select the response which most closely indicates the way you feel about each item.

SA = Strongly Agree
AS = Agree Somewhat
DS = Disagree Somewhat
SD = Strongly Disagree

Item:

____ 1. Everyone should pay the same amount of taxes no matter what they earn.

____ 2. If a person doesn't like the way the government is conducting a war or performing a service of some type, that person should not have to pay taxes.

____ 3. Rich people should not have to pay high taxes because they invest money in the economy to keep it going.

____ 4. Poor people should pay more taxes because they don't help the economy much.

____ 5. Poor people should not have to pay much in taxes because they don't use as many of the government's services.

____ 6. Rich people should pay more taxes because they earn more and can afford to pay more.

____ 7. People shouldn't have to pay taxes at all. They should be able to keep what they earn.

____ 8. Each person should get back as many services as they pay for in taxes.

____ 9. If a person doesn't use a service they shouldn't have to pay taxes for it.

____ 10. Everyone should have to pay taxes because it is the duty of members of a society to contribute to the running of the government.

____ 11. Sales tax is unfair and shouldn't be charged.

____ 12. Rich people should pay more taxes than they do, because they always manage to find tax loop holes to keep their taxes low.

____ 13. People should be taxed according to what they earn to decrease the difference between the rich and poor.

Title: ENERGY RIGHTS

Unit: Consumer Economics

Description:

Americans are the greatest consumers of energy. We consume more than half of the world's energy. Do we have a responsibility toward the rest of the world's people? This activity gives students a chance to think about the "rights" we have as energy consumers.

Objectives:

1. To give students an opportunity to evaluate their rights as energy consumers as compared to others.
2. To let students examine the consequences of the "rights" they want to have.

New Mexico Basic Skills Objective:

CE 5D - Understand the implications of consumption in light of finite world resources.

Time: One class period

Level: Basic to advanced

Materials: Attachment entitled "Energy Rights"

Procedure:

1. Distribute one copy of the handout to each student.
2. Have students individually circle the number of those rights they want to have.
3. Share students' selections and choose five "rights" they most value.
4. Ask students the following questions:
   a. Can students have all the rights? Are there contradictions among the rights?
   b. Are there other rights related to energy students would like to include?
   c. Would an environmentalist answer the same way that students did?
   d. Do students feel that they can currently enjoy those five rights they most value? Are there obstacles to having them? Do students feel that they will be able to enjoy the same rights five years from now? What problems, if any, do they foresee?
   e. What role does the government have in guaranteeing that we have these rights?
   f. Are there pressure groups that influence what rights we have available to us?
   g. Who determines what rights we will be able to enjoy?

ENERGY RIGHTS

Every American should have the right to:

1. Have a dishwasher, trash compactor, washer, dryer, freezer, and any other appliance he can afford and might want.
2. Have as many children as he wants and can afford to support.
3. Build a wind generator in the backyard even if the neighbors think it's ugly.
4. Commute to work on a bicycle in safe bicycle paths. (Reserved for bicycles.)
5. Own a car and drive it whenever and however much he wants.
6. Own and drive a Winnebago or large camping trailer on vacation (if that is what he wants and can afford).
7. Observe and enjoy wildlife in its natural state.
8. Own a large speedboat and dune buggy for recreation.
9. Be assured (guaranteed) that any new house purchased will have maximum insulation and energy-saving features.
10. Live in a community that has preserved much of the beauty of natural surroundings.
11. Be free from exposure to unsafe substances in food.
12. Camp and hike in unspoiled wilderness.
13. Ride down a wild river.
14. Have access to cheap, convenient, reliable, mass transit systems in cities.
15. Have unhampered access to use of the sun for home heating. (Sun shining on your house can't be blocked by neighbors.)
16. Be safe from the possibility of misuse of nuclear materials by terrorists or from radioactive poisoning from nuclear accidents in power plants.
17. Have a fire in your own fireplace whenever you want.
18. Buy any kind of car he wants and can afford.
19. Breathe clean unpolluted air and drink clean water.
20. Travel a long distance on vacation every year.
21. Use as much gasoline, natural gas, and electricity every year as he can afford.
22. Enjoy the convenience of throw-away cans and bottles.
23. Eat as much meat in his diet as he likes.

24. Set the thermostat at whatever level he feels is comfortable.
25. Choose the type of heating he will have in his home. (gas, electric, wood, fuel oil, solar)
26. Live in a single family dwelling, own his own home.
27. Be educated in a carpeted classroom.
28. Take as many baths or showers as they want.
29. An equal amount of energy to expend as they wish.
30. Always get a free drink of water.
31. Have a vegetable garden that puts a strain on existing water supplies.
32. Oppose construction of highways and bridges that would change rural areas to urban areas.

From Teaching About Energy Awareness: 33 Activities, Center for Teaching International Relations, Univeristy of Denver, Denver, Colorado 80208. Reprinted with permission.

Title: DECEPTIVE SALES PRACTICES

Unit: Consumer Economics

Description:

This activity will introduce students to various types of deceptive sales practices and apply what they have learned to various cases. It can be used as a role play or as a brief application exercise.

Objective:

To become familiar with four types of deceptive (and illegal) sales practices.

New Mexico Basic Skills Objectives:

1. CE 3F - Know the laws that have been passed to protect consumers.
2. CE 5A - Know various modes and techniques of advertising, including inappropriate or illegal techniques.

Time: One class period or less

Level: Regular to advanced

Materials: Attachments 1 and 2 "Deceptive Sales Practices"

Procedure:

1. Hand out Attachment 1 and review the types of deceptive practices.
2. Hand out Attachment 2. Have students identify each type of sales practice described in the eight situations. This can be done individually or in groups.
3. As an alternative, conduct role plays for each situation. Divide class into 8 groups. Hand out one situation to each group. Have each group prepare a role play and perform it for the rest of the class. Have the class identify the deceptive sales practice illustrated.
4. As a follow-up discussion, ask students what channels of redress they would have if they encountered these deceptive sales practices.

DECEPTIVE SALES PRACTICES

Definition: A deceptive sales practice is a means used by a seller to trick a buyer into buying by lying about some aspect of the sale. The following deceptive practices are included in the New Mexico Unfair Trade Practices Act. The consumer should be aware of how they work and should be very cautious of buying in such situations.

Examples:

1. "Bait and switch": In this situation, the potential buyer is drawn into the store by an advertisement that offers what seems to be a "good deal." Once the customer is in the store, a salesperson attempts to "switch" him into buying another, higher-priced item.

2. Referral sales: Referral sales are those in which the customer is offered a "reduced price" on an expensive item if he will furnish the seller with a list of people that are potential customers.

3. "Scare tactics": The salesperson attempts to make a sale by alarming the customer about a possible loss or hazard that can be averted by the product being sold.

4. Phony sales: These are sales that get buyers into the store on the pretext that the company has suffered some kind of damage/loss and must therefore get rid of their inventory, even at a financial loss.

ATTACHMENT 2

DECEPTIVE SALES PRACTICE SITUATIONS

Directions: Identify the situations described below that involve deceptive sales practices. For each of these, write the term that describes the kind of practice, and write the aspect of the sales situation that was deceptive.

1. A door-to-door salesperson offers you a reduced price of $350.00 for a set of pots and pans if you will have a party to interest your friends in buying these sets.

2. You find a great bargain on a record by your favorite rock group. While you are there you purchase three other records by the same group at the regular price.

3. Total Sound Company advertises its third "Lost Our Lease" sale in two months.

4. A television commercial advertises a mattress manufactured by a company with a good reputation for a price that is $25.00 less than the standard. You arrive at the store early on the first day of the sale and are told that the mattresses were late arriving from the warehouse and are not yet on the floor. You are encouraged to make a selection from their other good quality mattresses that are "not that much more expensive."

5. Comfy Furniture, a subsidiary of a large furniture company has a "going out of business sale." It reopens two weeks later under the name of Downy Furniture.

6. A door-to-door salesman explains the necessity for a home fire alarm system to protect you in case fire should break out while you are away from home, or in case you live at a distance from the fire station. His sales speech emphasizes the sufferings and losses of people whose homes have burned. His company will install a fire alarm system in your home for only $500.00-or $425.00 if you will give him a list of other "concerned homeowners."

7. A pest control company advertises a free inspection of your home for pests. You take advantage of this offer and the inspection reveals the presence of termites. You are then asked to buy a series of periodic sprayings to kill the termites.

8. A vacuum cleaner salesman offers to demonstrate his product by vacuuming your living room rug. After he points out the advantages of his "expensive, but worth it" cleaner, he warns you of the dangers of diseases resulting from the inadequate cleaning job done by your vacuum cleaner.

Title: CONSUMER REDRESS: THE CASE OF TERRY TUBEMAN

Unit: Consumer Economics

Description:

What should a consumer do when a recently purchased consumer good stops working and the retailer hasn't made a warranty. This activity shows students several methods of consumer redress in such a situation. It can be used when studying consumer awareness and redress.

Objectives:

1. To understand appropriate channels of consumer redress.
2. To learn about implied and express warranties.
3. To increase awareness of consumer protection agencies.
4. To enhance writing skills.

New Mexico Basic Skills Objective

CE 5B - Know where to go for help in solving consumer complaints.

Time: One class period

Level: Basic to advanced

Materials: Attachment 1 and Attachment 2 (Better Business Bureau Customer Complaint Form)

Resource Person: (Optional)

Representative of Better Business Bureau
Lawyer from Attorney General's Office, Consumer Affairs Division

Procedure:

1. Hand out Attachment 1 and have students read it.
2. Ask students to select all the people to whom Terry should write a letter and list them on the board. The list should include the following:
    a. shop owner
    b. the manufacturer
    c. Better Business Bureau
    d. Attorney General's Office, Consumer Affairs Division
3. Ask students to suggest the information Terry should include in a letter to the manufacturer and list this on the board. The list should include:
    a. what the purchase was
    b. the serial or model number
    c. date of purchase and location if applicable
    d. the nature of the problem
    e. what remedy is desired
    f. a date by when the problem should be solved
    g. address and phone number at work and at home

4. Ask students to name a well-known TV manufacturer. Ask them how they might find the manufacturer's address. (The reference desk at the local library should be able to supply the addresses from Standard and Poor's Register of Corporations, Directors and Executives.) The teacher should either be prepared before class with several addresses, or should make up one for students to use. They can address their letters to either the president or the consumer affairs division.
5. Have students write letters. They can do this individually or in groups.
6. Several of the best letters can be reproduced and distributed.
7. Have students complete the Better Business Bureau complaint form.
8. As a research project, several students could be assigned the task of calling the Better Business Bureau and the Attorney General's Consumer Affairs Division to see what kind of assistance these agencies can provide.

CONSUMER REDRESS: THE CASE OF TERRY TUBEMAN

Terry Tubeman purchased a major brand name (BTR) 21 inch color television set from Tally's Radio and TV Shop. He paid $435 for the set which came with a manufacturer's 90 day warranty on the picture tube. Tally's made no warranties as to the set. The manufacturer's warranty covered replacement of the picture tube but not any labor charges or other parts.

Several months after Terry purchased the set, he lost vertical control of the picture. Soon thereafter, the entire picture became blurred. A repairperson told Terry that a new tube was needed. The cost of the tube would be $225 and installation charges would add $40 more.

Terry returned to the TV Shop on January 8 and spoke with Mr. Foxx, the salesperson who had sold him the set. Although Terry had misplaced the dated sales receipt, he was certain he had purchased the set during the second week of September. The salesperson explained that the store had made no warranties as to the set and could not help him. Terry argued that an expensive color television of ordinary quality should not lose its picture in less than four months and demanded to see Tally, the store owner. Foxx told him that she was on vacation.

TO WHOM SHOULD TERRY WRITE ABOUT HIS PROBLEM?

From Street Law: A Course in Practical Law (1980), West Publishing Company, Box A, 170 Old Country Road, Mineola, New York 11501. Reprinted with permission.

BETTER BUSINESS BUREAU

CUSTOMER COMPLAINT

14287
REFERENCE NO.

IMPORTANT! COMPLETE ALL 4 SECTIONS — WRITE FIRMLY

1 Date Problem Occurred _____ Date(s) You Complained To Co. _____ To Whom _____

Prod. Or Service Involved _____ Brand Name Or Mfg. _____ Model Name Or # _____

Date Purch. _____ Order, Contract, Acct. Or Policy # _____ Amt. Involved $ _____

Name of Salesperson _____ If Advertising Involved, Where/When _____

2

COMPANY	CUSTOMER
NAME _____	YOUR NAME _____
ADDRESS _____	ADDRESS _____
CITY _____ ST. ZIP	CITY _____ ST. ZIP
Co. Phone _____	Home Phone _____ Work Phone _____

3 WHAT IS YOUR COMPLAINT? *(Also be sure to enclose photocopies of contracts, receipts, cancelled checks or other relevant documents):*

4 What settlement would you consider fair? _____

Your Signature: _____ Date: _____

ATTENTION CUSTOMER — DO NOT WRITE BELOW THIS LINE

TO THE COMPANY: AS A CONVENIENCE YOU MAY USE THIS FORM TO NOTIFY THE BBB OF YOUR POSITION OR ACTION TAKEN WITH REGARD TO YOUR CUSTOMER'S COMPLAINT

☐ ACTION HAS BEEN TAKEN _____ DATE ☐ ACTION WILL BE TAKEN _____ DATE ☐ OTHER (See Below)

Explanation _____

(BBB ADDRESS)
BETTER BUSINESS BUREAU
OF NEW MEXICO, INC.
2221 CARLISLE NE
ALBUQUERQUE, N. MEX. 87110

Signature _____ Title _____ Date _____

FOR BBB USE

Rec'd _____ By _____ Presented _____ Follow Up _____ Verif. _____ T.O.B. _____ Comp. Type _____ Resol. _____

Comments _____

_____ Closed By _____ Date _____

173
183

Title: SMALL CLAIMS SIMULATION: THE CASE OF THE AUTO REPAIR

Unit: Consumer Economics or Law

Description:

This small claims simulation gives students an opportunity to gain experience in seeking redress for a familiar consumer problem--a higher than estimated auto repair bill. The activity can be used when studying channels for consumer redress.

Objectives:

1. To learn how to use the courts (magistrate or metropolitan) as a means of redress for consumer complaints.
2. To enhance oral communication and argument skills.

New Mexico Basic Skills Objectives:

1. CE 5B - Know hwere to go for help in solving consumer complaints or problems.
2. G/L 3C - Know when and how to hire a lawyer or gain access to legal aid.

Time: One-half to one class period.

Level: Basic to advanced

Materials: Attachment entitled "Small Claims Simulation"

Procedure:

1. Review with students the procedures for using magistrate/ metropolitan court to file consumer complaints.
2. Hand out the attachment and have students read the case.
3. Ask students to consider the arguments for George, the Plaintiff, and Ray, the Defendent.
4. Divide class into groups of three and have students in each group take the roles of George, Ray, and the Judge.
5. Inform the Judges that they should have the Plaintiff give his/her arguments first (5 minutes), then the Defendent (5 minutes), and then allow Plaintiff to rebut (2 minutes). Tell Judges they will have 3 minutes to reach a decision and they have a lot of discretion in what they decide.
6. Conduct the small claims simulation (15 minutes) Each group will participate simultaneously.
7. When all the judges have made their decisions, ask each of them what they decided and their reasoning. Compare the results.
8. Discussion questions for the debriefing:
   a. Ask the Plaintiffs and Defendants if they think justice was done. Why or why not?
   b. Ask students if they would more likely use the courts for consumer problems with this experience.
9. Other Suggestions: You might consider getting a magistrate/ metropolitan judge to observe this activity and participate in the debriefing.

SMALL CLAIMS SIMULATION

The Case of the Auto Repair

George Morris left his 1978 Chevette at Ray's Repair Shop one morning for an estimate on work that needed to be done. George called Ray later in the day and was told that front end work was necessary and would cost from $125.00 to $150.00. George told Ray to go ahead and fix the car. The next day George went to the shop to pick up the car and was presented with a $220.00 bill. He refused to pay, and the repair shop would not give up the keys without full payment.

After five days of argument, George picked up the car, paying $220.00 for repairs plus $6.00 a day storage fee which came to a total of $250.00. George paid by check. He then stopped payment on the check and claimed that Ray was entitled to nothing because of the fraudulent practices. Ray filed suit against George for recovery of payment.

1. What are the issues in this case?

2. What are the arguments for each side in this case?

3. Divide into groups of three and take the roles of George (Georgianna) the Plaintiff, and Ray, the Defendant, and the Judge. Conduct a small claims hearing. Plaintiff gives his argument first and defendant next.

Title: MANAGING YOUR MONEY

Unit: Consumer Economics

Description:

This is an exercise in the "real world" of money management. It asks students to design a personal budget while examining their goals and material expectations for the future.

Objectives:

1. To learn how to make a budget.
2. To increase awareness of money management.
3. To increase familiarity with newspapers, their content and uses.

New Mexico Basic Skills Objectives:

1. CE 1A - To know what a budget is and how it should be used.
2. CE 1B - To know how to determine individual needs and resources.

Time: One to two class periods

Level: Regular to advanced

Materials: Attachments 1 and 2 Managing Your Money - Personal Budget
One newspaper for each student (they need not be the same)

Procedure:

1. Hand out attachments 1 and 2 and give students a newspaper.
2. Ask students to complete their personal budgets according to the instructions on Attachment 1. Tell students to find many of the figures they will need in appropriate sections of the newspaper. For example, to find their hypothetical job, they should look in the employment ads and find a job with a salary listed. To list their rent, they should look in the rentals and find a hypothetical apartment they will rent.
3. When students have completed the budget, ask them if their expenses were within their incomes. If they were not, how would they alter their budgets and readjust their needs to live within their incomes? Ask students if they anticipated that monthly living expenses would be so costly.

MANAGING YOUR MONEY

Pretend that you have just graduated fron high school. You have decided to live on your own and take care of your own money needs. Complete this worksheet using the newspaper to find the information you will need (such as the price of the car, the job you choose and its salary, and so on). Make sure you use the exact figures copied or cut out of the paper so that your work will be accurate. Select your own items, find your own ads, and make your own choices based on your real desires. Do your own math, too!

1. Where will you work and how much will you make each month?

2. Figure the F.I.C.A. deductions you will have every month for your particular job. (Remember that you will also have federal and state taxes based on your income and the number of dependents you claim). F.I.C.A. is a straight .0613% of your annual income. Go on to the next item if you are having trouble with this.

3. What car will you buy? How much will it cost or how much will you have to pay on it each month? If you plan to use the bus, figure your monthly cost for it. If you plan to walk to work, make sure that your ad for a job and the ad for the house or apartment or room are actually close to each other.

4. Where will you live? How much is the monthly rent?

5. How much will your monthly payment be for car insurance? (For this one, you will need to call an insurance company, explain your assignment and give them the information you have already collected from the paper. Keep track of the name of the company you call and everything they tell you).

6. List all your meals and their cost for one week. Then multiply that amount by four to get a monthly food bill. Now add the cost of other groceries and snack foods here.

7. Estimate the amount you will spend for gasoline per month if you drive an American average of 1,200 miles per month. (Divide the number of miles-per-gallon your car will get by 1,200; multiply that by the current cost of gasoline per gallon.)

8. List the things you will do for entertainment for the month and the approximate cost of each item. Add all together for your monthly entertainment costs.

9. Estimate your utility (gas, electricity, phone, water/sewage) bills for the month. (If you need to, call each of these companies or the city and describe to them "your" place, as described in #4 and ask them to help you make the estimate.)

10. List and estimate the cost for the health and beauty items (soap, shampoo, razors, shaving cream, perfume, after shave, lipstick, etc.) you will need for the month.

11. List and estimate the cost of household cleaning items you will need (laundry detergent, dish soap, vacuum cleaner and bags, dust mop, broom, dust cloths and polish, floor cleaner, bathroom cleaners, etc.) and divide the total cost by 12. Add this amount to your list of monthly "bills".

12. List and estimate the cost of furniture, decorative items, stereo, TV, scatter rugs, wall pictures, etc. Divide the total cost by these by 12 and add this amount again to the monthly "bills" you have to pay.

13. Think about the clothes you have now. Look again at the job you chose in #1. Decide what new clothes you will need for your work. Estimate the cost of such clothes. Write down what clothes you will buy for off-the-job activities and estimate the cost of these. Estimate how often you will need new clothes in a year (don't forget underwear). Again, divide the total of your clothes budget here by 12 so you can spread out your payments over the year. You may pay for your clothes only at certain times, but you should budget your money so you save in order to have the money when you need it. Add the one-twelfth of your clothes budget to your list of monthly payments.

14. List the towels, wash cloths, bedspreads, sheets, curtains, generally called "linens", tablecloths, etc., you think you will need, and estimate the cost of each. Divide by 12 and add to your monthly payments.

15. Estimate the cost of lube jobs and other general "upkeep" costs on your car. Divide by 12 for your monthly payments.

16. Think of any other items you had planned to buy or do when you finally got to be on your own and could do and buy whatever you wanted. Maybe you planned to go to night school, take a trip to Las Vegas or Europe, have a horse, fancy fur coat, water-bed, etc. Estimate the cost, divide by 12 and add to your payments.

17. Subtract the total you have added together for monthly payments from the total you have for take-home pay figured in #2.

18. Do you think you can live happily or comfortably on your own with the salary you have from the job you chose?

19. How long do you think you could be content with the lifestyle you could afford with that job?

20. What could you do to get more money.

PERSONAL BUDGET

Earnings

Monthly Salary _____

FICA Deductions _____

Net Monthly Earnings _____

Expenses

Monthly Car Payment _____

Rent _____

Monthly Car Insurance Payment _____

Monthly Food Expenses _____

Monthly Gasoline Costs _____

Entertainment _____

Utilities _____

Health and Beauty Items _____

Household Cleaning Items _____

Furniture and House Items _____

Clothing _____

Linens _____

Car Maintenance _____

Other Items _____

TOTAL EXPENSES _____

Title: WHO IS A GOOD CREDIT RISK?

Unit: Consumer Economics

Description:

This activity gives students the opportunity to play the roles of loan officers to determine who is a good credit risk. It will reinforce familiarity with credit, budgeting and wise consumer credit practices. It can be used after students are familiar with credit terms and budgeting.

Objectives:

1. To recognize financial situations which constitute good and bad credit risks.
2. To apply knowledge and skills of budgeting.

New Mexico Basic Skills Objectives:

1. CE 1 - Know how to plan family and individual budgets.
2. CE 2D - Know the various types of banking services.

Time: One-half class period

Level: Basic to advanced

Materials: Attachment - Who is a Good Credit Risk?

Procedure:

1. Divide students into groups of 4-5 and hand out attachment.
2. Explain that they will play the roles of loan officers. Each group will determine whether to extend a loan to each of the people in the six situations described. Ask students to list reasons for each decision.
3. When groups have completed the exercise, ask each to report their decisions and their reasoning.
4. To conclude the discussion, ask students to come up with a list of characteristics of a good credit risk.

WHO IS A GOOD CREDIT RISK?

1. Joe Green is a bricklayer. He earns approximately $25,000 per year. However, due to business trends and seasonal lay-offs, Joe's income varies year to year. Joe is married and has three children. He has a good credit rating and has a $25,000 mortgage as his only outstanding debt. His monthly payment on his home is $200. He would like to borrow $5,000 for home improvements.
2. Ann Smith is a secretary in a downtown law office. She has worked there for almost a year. She earns $8,500 per year. She rents an apartment and pays $225 per month rent. She has never borrowed money before. She is 23 years old. She would like to borrow $2,000 for a vacation trip to Hawaii.
3. Jim Jones is a freshman in college. He is 19 years old. Jim's parents have until recently paid his college bills. He works part-time in college and has a good summer job. Jim is seeking to borrow $1,500 for his college tuition. He has never borrowed money before.
4. Earl Winters is a used car salesman. He is single and his weekly income ranges from $100 to $500, depending on his success at selling cars. He is interested in buying a new sportscar costing $8,700. Earl has $1,500 in his savings account of which $700 would be used as a down payment. He has no outstanding debts other than his monthly rent and utilities which amount to $240 a month. He is seeking a loan of $8,000 for the new car.
5. Jack is a laborer, seeking labor whenever and wherever possible. He is married and has five children. He is currently unemployed, but expects to be employed shortly. He is presently making payments of $220 per month for his house, $120 for his car, $110 per month for furniture and $90 per month for a boat. He would like to borrow $1,000 for the purchase of a motorcycle which he says will help him save money by lowering his monthly gasoline bill.
6. Sharon Brown opened her own business as a florist during the past year. She has developed a successful business and earns about $1,500 a month. She is married and has married children. Her husband is scheduled to retire within the next year. Sharon would like to borrow $10,000 to build an addition to her flower shop. Her house is paid for and other than living expenses, she has no outstanding bills to pay. She and her husband are both 63 years old.

Questions:

1. Based on the given information to which persons would you have extended a loan?
2. Why did you deny some people their loan request? Explain.
3. What are the characteristics of a good credit risk?

From Street Law: A Course in Practical Law, West Publishing Company, Box A, 170 Old Country Road, Mineola, NY 11501. Reprinted with permission.